

**Legislative
Commission
On
Expenditure
Review**

**State
Division
of
Probation
Programs**

**Program Audit
June 1982**



STATE OF NEW YORK
**LEGISLATIVE COMMISSION
ON EXPENDITURE REVIEW**

111 WASHINGTON AVENUE — ALBANY, NEW YORK 12210
518-474-1474

ARTHUR J. KREMER
Chairman

SANFORD E. RUSSELL
Director

JOHN J. MARCHI
Vice Chairman

MEMBERS

WARREN M. ANDERSON
Temporary President, Senate

STANLEY FINK
Speaker, Assembly

JOHN J. MARCHI
Chairman, Senate Finance

ARTHUR J. KREMER
Chairman, Assembly Ways and Means

DANIEL B. WALSH
Assembly Majority Leader

WILLIAM T. SMITH
Senate Deputy Majority Leader

MANFRED OHRENSTEIN
Senate Minority Leader

JAMES L. EMERY
Assembly Minority Leader

DONALD M. HALPERIN
Minority Member, Senate Finance

WILLIS H. STEPHENS
Minority Member, Assembly Ways and Means

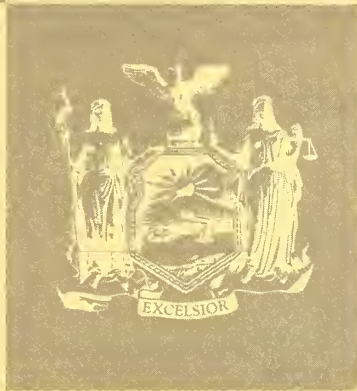
DAVID S. MACK
Partner, The Mack Company

B.A. RITTERSPORN, Jr.
Programs Director, The Institute for
Socioeconomic Studies

Legislative Commission On Expenditure Review

State Division of Probation Programs

Program Audit
June 1982



SUMMARY AND CONCLUSIONS

Probation is an alternative to incarceration. It is a sentence by which a court releases a convicted offender into a community instead of sending him to jail or State prison. A probationer is supervised by a probation officer, but remains in the custody of the court. A judge may revoke probation at any time and incarcerate the offender.

Probation is a significant component of the criminal justice correctional system. As Chart S-1 shows, in 1980, more offenders were sentenced to probation than to jail and State prison combined. Compared to State prison inmates, the probation population tended to be relatively younger, white, and female, to live outside of New York City, and to have committed less serious and less violent crimes. Compared to jail and prison populations, probationers were found to have lower risk of continued criminal activity, as measured by validated risk instruments.

Legislative Intent

New York's probation services are administered by 57 county and two city probation departments. State law mandates that the State Division of Probation (DOP) supervise local probation services to promote their efficient and effective conduct, and also mandates that local probation services meet standards promulgated by DOP. This program audit assesses whether those mandates have been met. Also included are analyses of DOP management performance and the financing of probation services in the State.

Sentencing Patterns

LCER analysis of State Criminal Justice Information System felony data found the courts decreased their proportional use of probation and increased their use of incarceration between 1976 and 1980. This trend was most pronounced in New York City and less evident upstate.

The courts' use of probation varied among different areas of the State. For example, persons indicted for a felony in New York City were less likely to receive probation than individuals so indicted upstate. For specific types of "probation eligible crimes," the probation sentence occurred more often upstate than in the City.

Local Probation Services

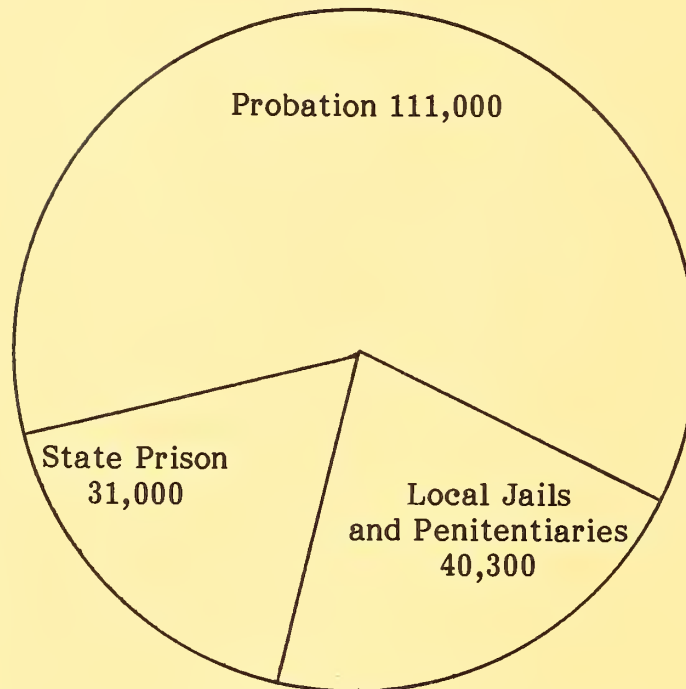
LCER's sampling of and field visits to local probation departments in ten counties and New York City, and survey of family and criminal court judges, revealed differences in the performance of required tasks. DOP intake, investigation and supervision standards were used as guidelines and criteria to measure the quality of local probation.

Intake/Diversion

Probation intake units are required to screen cases prior to filing a Family Court petition for possible adjustment, referral of

Chart S-1

1980 Estimated Distribution of
Sentences to Probation,
State Prison and Local Jail



Total Offenders Sentenced
in 1980 182,300

Sources: State Division of Probation, State Department of Correctional Services, State Commission of Correction, and New York City, Bureau of Records and Statistics.

a probationer to a community agency or other method of averting petition to the Family Court. Statewide, about 36 percent of the cases referred to probation intake units were settled without need for Family Court petition in 1980.

Upstate. Probation intake/diversion is thwarted if police bypass the intake unit and petition cases directly to Family Court. Only one of the ten county probation departments sampled by LCER reported that intake/diversion had been bypassed. Family Court judges surveyed were satisfied with county probation intake unit performance.

New York City. During the 1978 to 1980 period, the number of cases referred to the

New York City intake unit remained relatively constant. Because of a 17 percent decrease in probation officers, the annual workload increased by 140 cases per intake probation officer. Forty percent of the responding Family Court judges said that New York City intake units diverted cases appropriately. Moreover, 40 percent of New York City judges also indicated that too many cases were being petitioned to Family Court.

Investigation

When the court requests a presentence or predisposition investigation, it specifies when the report is needed. DOP has established procedures for the investigation and

format of the report. Local probation departments gave high priority to the investigative reports. In five of ten upstate counties visited, probation officers had been diverted from supervising probationers to prepare these reports.

Upstate. LCER found that upstate probation departments were in compliance with the report format required by DOP. Probation directors were satisfied with the format and procedures required.

Ninety percent of the upstate judges stated that the reports were submitted on time. Positive ratings of over 90 percent were recorded for the quality of family and environment and criminal history sections. The quality of physical and mental health data and sentencing recommendations were rated positively by over 70 percent of upstate judges.

New York City. From 1978 to 1980, the number of probation officers assigned to investigation decreased by 12 percent in Family Court and dropped by 20 percent in criminal courts. Caseload per officer increased only slightly for Family Court but increased from 153 to 195 cases for the criminal courts.

In 1981, New York City accelerated investigations to reduce the number of jail prisoners awaiting sentence. As a result, of the 1,130 persons awaiting sentencing in jail as of March 1981, 30 remained in jail as of September.

Sixty-five percent of the New York City judges indicated that the investigation reports were timely. The judges gave a 67 percent "satisfactory" rating for family and environment information and a 76 percent "satisfactory" rating for criminal history.

Fifty-three percent of the New York City judges were satisfied with the education and employment information compared to 47 percent for physical and mental health information and to 44 percent for the recommendation on sentencing.

Supervision

Probation officers supervise probationers through personal contacts with the probationer. In addition, collateral contacts are made with family, friends, and employers or with social service, police and/or school agency personnel. The court may refer a probationer to a community agency to deal with alcoholism, drug abuse, mental health, employment or other problems as a condition of probation. If the probationer does not comply with a condition of probation and/or is reconvicted, the court may revoke or extend probation and/or impose a prison or jail sentence.

DOP regulations require the classification of probationers, the maintenance of minimum monthly personal and collateral contacts and the recording of the full supervision history. Cases are classified as intensive, active or special based on the probationer's risk to the community and program needs. The probationer's classification is to be reviewed every three months and the officer is to write a quarterly supervision summary.

Upstate. In the ten counties, the supervision caseload averaged 63 cases per officer. In general, compliance with the standards reviewed was high. Quarterly supervision surveys were present in 81 percent of the cases. Quarterly classification reviews were conducted in 85 percent of the cases and reasons for initial classification were noted in 86 percent of the files.

Upstate counties complied with the personal contact standards for 60 percent of the months and for 69 percent of the required personal contacts. For collateral contacts, only 40 percent of the months were in compliance while 52 percent of the required collateral contacts were made.

Compliance was lowest for intensive supervision cases requiring four personal and four collateral contacts per month. Only 58 percent of the required personal contacts and 40 percent of the collateral contacts were made.

New York City. The number of staff to supervise probationers from the criminal courts declined 14 percent between 1978 and 1980. The caseload per officer increased 20 percent and was 3.6 times higher than the supervision caseload in the upstate counties--225 compared to 63.

In December 1980, 173 probation officers sent a "declaration of disclaimer" to court officials saying that in view of being assigned additional cases to their already "excessive caseload", "these additional cases are being accepted under duress." The officers refused responsibility for any "problems that may arise" with the additional cases and disclaimed "any responsibility" for problems with their present cases if they were directed to give them lower priority than the additional cases assigned.

New York City has been in low compliance with State regulations on supervision and classification of probationers. Chart S-2 shows that New York City averaged substantially fewer contacts per case month than the upstate counties. New York

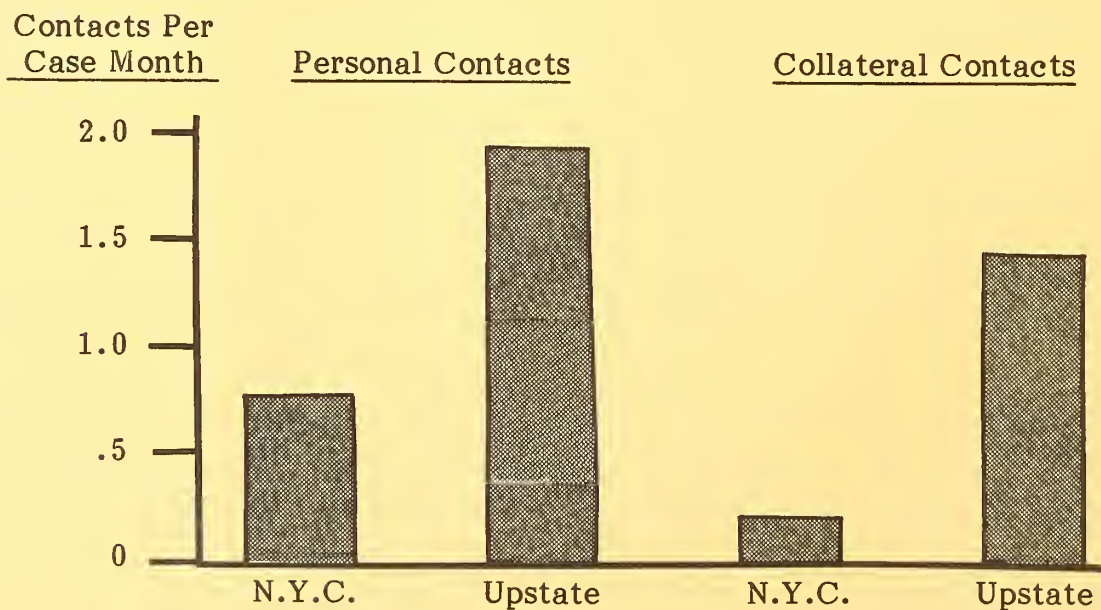
City's .69 personal contacts monthly compared to 1.85 personal contacts monthly upstate. Collateral contacts in the City were almost non-existent, averaging only .19 per case month compared to 1.45 upstate.

Division of Probation Performance

Ten DOP consultants monitor the 59 local probation departments to encourage compliance with State regulations. Local probation directors indicated that the consultants were helpful, in general, and provided technical assistance.

DOP has enforced local departments' compliance with all prerequisites for State aid and has threatened to withhold State aid for provision of non-authorized local services. DOP also has denied State aid when unqualified individuals have been appointed as probation directors. However, when local intake, investigation or supervision services have not been in compliance, State aid has not been withheld although the legislation permits DOP to do so.

Chart S-2
Comparison of Supervision Contacts
New York City and Upstate
LCER Probation Rules Compliance Survey



State aid, totaling \$25.9 million in 1981, is a reimbursement for probation services already rendered. The reimbursement rate has declined from 50 percent of approved local expenditures in 1974-75 to 41.5 percent in 1980-81, and then increased to 46.5 percent in 1981-82. Because approved expenditures exclude certain probation department outlays such as fringe benefits, rental of office space and utility costs, State aid reimbursement in 1981-82 ranged from 21 to 33 percent of actual local probation costs in LCER sample departments, and averaged about 32 percent statewide.

The cost of operating DOP in 1980-81 was \$2.1 million in State funds. DOP has instituted several management programs to improve its own operation and thereby the operation of local probation departments.

Management by Objectives (MBO)

Begun in 1977 to improve management and control, MBO has not been used as a tool to allocate staff resources. Nor has it had a direct effect of improving delivery of probation services. However, MBO had enhanced internal communication and program accountability and has allowed the division to track program efforts and accomplishments.

Management Information System (MIS)

The MIS was originally developed from an expenditure of \$1.6 million in federal grants and it is now State funded.

Interviews with local probation department directors indicated that many of the MIS reports generated were outdated or inaccurate. LCER's review supported this, and found that improper reporting by county probation departments contributed to these inadequacies.

Intensive Supervision Program (ISP)

ISP was established in 1978 to improve the quality of adult supervision to demonstrate the feasibility of increasing the use of probation as an alternative to incarceration, and to show probation's cost effectiveness. The program was targeted at "high

risk" probationers. LCER found that DOP evaluations failed to incorporate the random assignment of ISP-eligible probationers to control and experimental groups, and omitted measures for assessing long-range outcomes. Accordingly, DOP's evaluation results were inconclusive.

From December 1980 to February 1981, DOP compliance reports showed that counties participating in the Intensive Supervision Program failed to provide service at levels required by ISP guidelines. On average, these counties' probation departments achieved 73 percent of the required personal contacts and 60 percent of collateral contacts.

DOP reported data show ISP probationers somewhat more "successful" on probation than non-ISP probationers. However, LCER staff found ISP probationers less "successful" than their non-ISP counterparts in Kings County.

Probationers Successful

	<u>ISP</u>	<u>Non-ISP</u>
Kings County	54%	74%
Rest of State	62	54
Statewide	61	58

The Kings County "experience" should be viewed with caution. Undetected violations by regular (non-ISP) probationers may have contributed to their apparent "success."

Conclusion

Probation is an important component of the criminal justice correctional system, supervising more offenders than State prisons and jails combined in 1980. There are differences in the use of probation by courts in various areas of the State. As a proportion of all sentencing alternatives for felony indictable offenses, probation has decreased even though local probation caseloads have continued to increase. As a result, more jail sentencing has occurred, particularly in New York City.

New York City, which served 39 percent of the State's 1980 probation population, has

experienced major probation staff cutbacks, resulting in high caseloads per probation officer, increased workload for Family Court and minimal supervision of City probationers.

Although it has authority to do so, DOP's reluctance to withhold State aid to improve

compliance to intake, investigation and supervision standards is a program shortcoming. Though it accounted for 32 percent of actual expenditures at the local level in 1980-81, the State aid formula itself has provided little incentive for upgrading local probation services.

Findings for Comment by the New York State Division of Probation

Chapter 58 of the Laws of 1980 requires heads of audited agencies to report within 180 days of receipt of the final program audit to the Chairman of the Legislative Commission on Expenditure Review and the Chairman and Ranking Minority Members of the Senate Finance Committee and the Assembly Ways and Means Committee on what steps have been taken in response to findings and where no steps were taken, the reason why.

1. Despite low compliance with DOP personal and collateral contact standards for supervision, several upstate counties diverted staff resources from supervision to investigation. (See p. 34.)
2. New York City was in low compliance with State regulations for supervision and classification of probationers. The New York City sample of probationers averaged only .69 personal contacts and .19 collateral contacts per month, substantially below the LCER upstate county sample and DOP's requirements. (See p. 35.)
3. Approximately 23 percent of the case months records reviewed by LCER staff could not be analyzed because of inadequate recordkeeping. Contrary to DOP regulations, information on all contacts made for these cases was not clearly recorded in the probationer's record. (See p. 34.)
4. DOP's Management Objectives (MBO) system did not have clear definitions of unit responsibilities to prevent duplication of effort. Also absent was training to promote the correct and effective use of MBO. (See p. 50.)
5. Though authorized to do so, DOP had not withheld State aid to enforce compliance with regulations for intake, investigation or supervision. (See p. 51.)
6. Data problems, primarily originating at the county level, decreased the reliability of the division's Management Information System reports. (See p. 51.)
7. County ISP compliance was considerably lower than required by DOP's Intensive Supervision Program guidelines. (See p. 51.)
8. Upstate counties in LCER's sample of regular supervision cases complied with the DOP personal contact standards for 60 percent of the case months and for 69 percent of the required contacts. For collateral contacts, only 40 percent of the months were in compliance, while 52 percent of the required collateral contacts were made. (See p. 34.)
9. DOP's evaluation of its Intensive Supervision Program (ISP) was inconclusive because methodological problems inhibited the division's assessment of ISP effectiveness. DOP has not undertaken other research to assess the long and short range effects of different levels of supervision, nor has DOP measured the outcomes of probation compared to other types of correctional sentences. (See p. 51.)

TABLE OF CONTENTS

	<u>Page</u>
Summary and Conclusions	S-1
Foreword	ii
Chapter	
I Introduction	1
Legislative Background and Intent	2
Scope and Method	8
Chapter Summary	8
II Target Population and Sentencing to Probation	9
Social Characteristics of Probation Population	9
Sentencing Patterns - Felony Indictments	12
Sentencing Patterns - Probation Eligible Crimes	15
Chapter Summary	17
III Local Probation Services	18
Upstate Probation Departments	21
New York City	26
Probation: The Judge's Perspective	32
Chapter Summary	34
IV State Program Administration	36
Functions, Organization, Staffing	36
Management by Objectives	38
Monitoring and Enforcement of Compliance	40
Management Enforcement of Compliance	40
Management Information System	42
Intensive Supervision Program	44
Chapter Summary	50
V Financing Probation	52
State Aid	52
Innovative Programs	54
State Administration	57
State Reimbursement of Probation Services	57
Chapter Summary	59
Footnotes	60
Appendix	
A Interviews and Contacts	63
B Audit Methodology	65
C Statistical Tables	67
D Agency Response	72

FOREWORD

The Legislative Commission on Expenditure Review was established by Chapter 176 of the Laws of 1969 as a permanent legislative agency for among other duties, "the purpose of determining whether any such department or agency has efficiently and effectively expended the funds appropriated by the Legislature for specific programs and whether such departments or agencies have failed to fulfill the legislative intent, purpose and authorization," and to "make a comprehensive and continuing study of. . .the program of and expenditures by state departments." This program audit, State Division of Probation Programs, is the ninety-seventh staff report.

The Division of Probation is responsible for overseeing the efficient and effective delivery of probation services by 59 local probation departments. LCER staff found deficiencies in local department compliance with State supervision standards. For example, probation officer contacts with probationers were found to be below the monthly requirement, particularly in New York City. The Division also was reluctant to withhold State aid to improve supervision compliance. The State aid formula afforded little incentive to upgrade probation services, reimbursing about 32 percent of 1981-82 total local probation costs.

Appreciation is expressed to the Division staff and personnel of the 11 local probation departments reviewed. The Division's comments on this program audit are presented in Appendix D.

In accordance with Commission policy, this report focuses on factual analysis and evaluation. Recommendations and program proposals are not presented since they are in the realm of policymaking and therefore the prerogative of the Legislature.

The audit was conducted by James Haag, Chairman; Robert Fleischer, David Rowell, Charles Stahle and Geraldine Stout. Assistance was provided by John Coleman in statistical tabulation and by Michael McCarry in the study formulation. Bernard Geizer served as general editor and Elaine Fromer edited the Summary and Conclusions. Word processing and graphic services were provided by Susan Peart. Overall supervision was the responsibility of the Director.

The law mandates that the Chairmanship of the Legislative Commission on Expenditure Review alternate in successive years between the Chairman, Senate Finance Committee, and the Chairman, Assembly Ways and Means Committee. Assemblyman Arthur J. Kremer is Chairman for 1982 and Senator John J. Marchi is Vice Chairman.

June 10, 1982

Sanford E. Russell
Director

I INTRODUCTION

The State Division of Probation (DOP) was established to promote effective and efficient conduct of local probation services. The division oversees the operations of 57 county and two city probation departments. The cost to operate the State's decentralized probation system is estimated at \$89 million in 1981.

This program audit focuses on DOP's performance in carrying out its mandated statutory supervision of local probation departments and its intended role to encourage efficient and effective probation services. Included are these audit analyses:

- Probation program legislative background and intent, with emphasis upon statutory duties and responsibilities of probation agencies to the courts--Chapter I.
- Probation target population, its comparative characteristics, trends and geographic sentencing patterns--Chapter II.
- Local probation department program performance, operating efficiency and conformance to DOP standards by type of probation function for New York City and ten LCER sample counties--Chapter III.
- DOP administrative and management performance in supervising local probation departments and in encouraging efficient and effective probation services including the Intensive Supervision Program (ISP)--Chapter IV.
- Program expenditures, State aid coverage and incentives--Chapter V.

What is Probation?

Probation is a significant component of the criminal justice correctional system. In 1980, more offenders were sentenced to probation than to jail and State prison combined:

Probation:	111,000
State prison:	31,000
County Jails and Penitentiaries:	24,500
NYC Jails	15,777

Probation is "a sentence releasing the defendant into the community under the supervision of a probation officer."¹ In New York State probation is a "revokable sentence," by which the court retains legal custody of the offender; by revocation of the probation sentence, therefore, the court may send the convicted person to jail or prison.

Underlying this meaning of probation as a "revokable" sentence is the belief that offenders can be rehabilitated, that treatment methods and alternatives are available to carry out the task of rehabilitation, and that through supervision an offender can be deterred from further crime, thus affording a degree of protection to society. Though many scholarly research projects have examined such assumptions, verification remains illusive.

Under State Penal Law, Section 65, probation may be authorized if the court reviewing a case after a criminal conviction believes that:

- (i) Institutional confinement of the defendant for the term authorized by law is not or may not be necessary for the protection of the public;
- (ii) the defendant is in need of guidance, training or other assistance which, in his case, can be effectively administered through probation supervision; and
- (iii) such disposition is not inconsistent with the ends of justice.

Probation, therefore, is viewed by New York State law as an alternative to incarceration which meets the rehabilitative needs of the probationer while sensitive to the concern for public protection.

Origin of Probation Services²

While the antecedents of probation may be traced to English common law and the concepts of pardon, judicial reprieve and benefit of clergy, modern probation in this country evolved from the voluntary efforts of persons and groups. The first "probation officer" was John Augustus (1784-1859), a Boston cobbler who with the court's permission, would provide bail for drunks and other offenders, find them work, and take them into his home. He investigated each offender and kept records of progress. Of 2,000 cases he handled, only ten absconders were reported. In the middle and late 19th century, prison aid and children's aid societies worked to rescue children from the criminal courts. Again cases were investigated and children were placed with families or in child care institutions. In New York State, the first probation law was passed in 1901 and the service was carried out by volunteers.

Legislative Background and Intent

The 1901 statute authorized the appointment of Probation Officers (POs) by the courts, described the officers' responsibilities, and outlined the procedures for the conduct and revocation of probation.³ The Legislature created a Commission on the Probation System in 1905 to investigate the operation of the probation system.⁴ As a result of that investigation, a seven member State Probation Commission was empowered to inquire into the conduct and efficiency of POs' work, collect statistical data on cases, and report annually to the Legislature.⁵

The State Division of Probation was established as a part of the State Department of Corrections in 1926.⁶ Two years later, the Director was authorized to promulgate binding regulations on the conduct of probation officers throughout the State.⁷

State reimbursement for up to 50 percent of approved local probation expenditures was adopted in 1955.⁸ The 1955 law also permitted State personnel to provide probation services in counties where such probation services were insufficient.⁹

1970 Revisions

Chapter 479, the Laws of 1970, transferred the division to the Executive Department from the Department of Corrections. This change was intended to give the division

the independence essential to carry out supervision, monitoring, State aid and technical assistance functions which were carried over into the new statute.¹⁰

A 1970 Executive Department memorandum delineated the rationale for transferring the division:

Only the State has adequate power to assure uniformly high quality and comprehensive local delivery of these unique and diverse functions (probation) throughout the State. Fulfillment of this responsibility requires the existence of an independent State agency, headed by a director responsible to the Governor, with authority to establish basic standards for the administration of probation. With this strong focus, the Division of Probation will be better able to stimulate effective local probation services.¹¹

The Legislature wanted to upgrade and standardize local probation services in the State. By legislating that the Director of DOP be appointed by and responsible to the Governor, probation was to achieve a level of visibility and importance, not available with the division as a unit of the Department of Corrections.

It was expected that an independent State Division of Probation would help stimulate the growth of local probation services and assure a uniform quality of probation services. An example of this intent was the division's new authorization to take over probation services by request of counties with five or fewer probation officers. Furthermore, the law made it clear that the division was to regulate local services to assure compliance with minimum standards through monitoring and technical assistance.

Some groups expressed concern about the centralization of control over probation services within the Executive Department. The State Probation Commission stated:

It is our belief that your proposal does not clarify the relationship of the Division of Probation to the State Judicial Conference. Since 1962, there has been a problem of overlapping jurisdiction as to the responsibility of the two agencies for state administration of local probation personnel.¹²

In opposing the bill, the Judicial Conference of the State of New York argued:

However, the reiteration impliedly contained in the bill of the concept that probation services, which are in reality an arm of the courts, are also under the supervision of the executive branch, is most troublesome.

The probation services serve the courts--they operate intake procedures, they make pretrial reports and presentence reports to the courts and they operate under rules established by the courts. It is administratively and perhaps constitutionally anomalous to authorize a sort of joint supervision of probation services by the judicial and executive branches.¹³

Chapter 479 reflects a dichotomy in authority and responsibility for local probation services. On the one hand, local probation services operate as an adjunct to the courts, providing intake, investigation, supervision and other court ordered services. In this capacity, local probation departments are governed by provisions of the Family Court Act, the Criminal Procedure Law and court rules promulgated pursuant to these statutes.

On the other hand, probation services are viewed as an executive function, with State and local probation agency duties and responsibilities prescribed in Executive Law and State Division of Probation rules and regulations.

Chapter 479, however, recognized this executive-judicial dichotomy by requiring the Director of the State Division to "secure the effective application of the probation system and the enforcement of the probation laws and the laws relating to family courts throughout the State."¹⁴

Role of the State Division of Probation (DOP)

Executive Law, Sections 243 through 248, details the duties and responsibilities of the DOP. The Director is to exercise general supervision over the administration of probation throughout the State and is to encourage efficient and effective local probation services. Specifically DOP is required to:

- Enforce probation and family court laws,
- Regulate probation department administrative methods and procedures,
- Administer the State aid reimbursement for local probation services,
- Investigate the performance of any probation bureau or probation officer, and
- Engage in other activities of an educational, training or informational nature designed to increase the number of qualified probation personnel and improve the calibre of probation service within the State.

Regulations. After consultation with the State Probation Commission,¹⁵ a seven-member advisory group, the Director is to "adopt general rules of probation which shall regulate methods and procedures in the administration of probation."¹⁶ Adopted in 1975, and occasionally revised since, these rules provide standards basic to DOP's supervision of local probation departments' administrative practices and operating efficiency and effectiveness.¹⁷ These rules are "binding on all probation officers" and "have the force and effect of law."¹⁸

State Aid. DOP administers, with the advice of the State Probation Commission, a yearly State reimbursement of up to 50 percent of approved local probation expenditures.¹⁹ In 1981-82 the reimbursement was at 46.5 percent of approved expenditures. "Approved expenditures" are to maintain and improve probation services and exclude capital expenditures, debt service, rental of office space and fringe benefits.²⁰

State aid is provided on condition that the local probation departments conform to DOP standards and rules. The Director of Probation, after consultation with the State Probation Commission, "may authorize or require the comptroller to withhold payment of State aid to any county, or the City of New York, in the event that. . . (there is failure) to conform to standards of probation administration. . . ."²¹

Supervision/Investigation. Statute requires that the Director keep informed as to the work of any probation officers and bureaus.²² From time to time the Director is to inquire into and report upon their conduct and efficiency. This investigative power is broad, granting DOP access to all records and probation offices and authority to issue subpoenas and to administer oaths.

Direct Services.²³ At the time of the 1970 statute revision, 22 counties had five or fewer probation officers, and thus qualified to request DOP to take over their entire local probation operations. By 1972, only 14 counties had expressed interest in the program, while ultimately only three opted to take part--Fulton, Montgomery and Warren.

The direct services program operated from 1972 through 1980 when funding was terminated. Though the Legislature restored program funding for the 1981-82 budget year, the program had ended, with State personnel formerly assigned to it transferred or replaced.

Special Studies/Research Reports.²⁴ In addition to the required annual report to the Governor, DOP may prepare reports regarding probation in Family Courts, probation system operations and other aspects of the program that the Director deems appropriate. One example is the Intensive Supervision Program (ISP) evaluation reviewed later in this report.

Local Probation Department Role

While under State DOP supervision, the local probation departments are units of county or city government which have been established to serve the needs of family and criminal courts.²⁵

Local Government Responsibility. The director of the county probation department is appointed by the county executive, or if there is none, by the chairman of the county governing body. The position is filled from the pool of qualified civil service candidates.²⁶ In New York City, the director is appointed by and serves at the pleasure of the Mayor. In addition to administrative accountability through this appointing authority, the local probation director is fiscally accountable through local budgeting and financial reporting.

Service to Family Court. The Family Court Act requires that each county's probation department serve the county's Family Court.²⁷ It provides that rules of the court define the methods, organization and responsibilities of the probation service. However, as already noted, Executive Law states that the Director of the Division of Probation adopt rules to regulate "methods and procedures on the administration of probation."

Generally, local probation departments provide three types of services to the Family Court:

- Pre-petition intake and adjustment. Conferencing with any person seeking to file a petition to ascertain whether conciliation efforts might be helpful and, if so, to arrive at an adjustment of cases without petitioning the Family Court. Parties to the case participate voluntarily and at any time, a petition may be filed with the court, ending adjustment efforts.
- Investigation and Report. After the fact finding hearing, the court may order a legal, social and/or financial investigation to be completed prior to disposition of the case. The type and scope of the predisposition investigation varies with the respective type of Family Court proceeding.

--Supervision. At disposition of the case, a term of probation might be ordered. The probation department would then oversee and supervise the probationer to assure that the court order and conditions of probation are carried out.

The Act specifies the probation services to be made available at the request of the court. Pursuant to Family Court Act, Section 212, Uniform Family Court Rules²⁸ detail probation department roles in mandated proceedings.

The Act also gives the court wide latitude to order probation services which are not specifically enumerated by statute. "Probation service shall be available to assist the court and participate in all proceedings under this act. . . ."²⁹ Exhibit I shows the probation services available to the Family Courts by type of proceeding/article. The services are denoted "statute" when mandated by the Family Court Act and "court order" when required pursuant to the court's discretionary authority.

As shown, intake/diversion is available for all proceedings. Predisposition investigation may be performed for all proceedings except paternity and conciliation. The court may sentence to probation supervision in Juvenile Delinquency (JDS), Persons in Need of Supervision (PINS) and Family Offense cases and in instances where there is failure to follow support orders.

In practice, the Family Court in each county selects the types and mix of probation services needed or desired, and variation exists among the counties. Moreover, differences in interpretation have occurred among the DOP, the local county and the courts as to the appropriateness of certain court ordered services not specifically authorized by statute. In at least one instance, DOP stated an intention to withhold State aid for services deemed by the division to be "improper." Because the county acquiesced, State aid was not withheld.³⁰

Service to Criminal Court. Criminal Procedure Law, Section 390.20 requires the court to order a presentence investigation (PSI):

--In any felony conviction and

--In any misdemeanor conviction for which a sentence of probation, imprisonment in excess of 90 days, or consecutive imprisonment terms aggregating more than 90 days.

The investigation gathers information with respect to:

The circumstances attending the commission of the offense, the defendant's history of delinquency or criminality, and the defendant's social history, employment history, family situation, economic status, education and personal habits.

In felony and Class A misdemeanor cases or in cases where a person under age 21 is convicted of a crime, the court may order a thorough physical or mental examination and the results may be presented in the PSI. Any other relevant matter may be included in the investigation and confidential report. In misdemeanor cases the scope of the presentence investigation may be abbreviated and a short form report may be made.

Criminal Procedure Law, Sections 410.10 through 410.90, deals with the criminal court's responsibility in imposing and overseeing the probation sentence. When rendering a probation sentence, the court must specify the conditions of probation and the

Exhibit I

Probation Services to Family Court by Type of Proceeding

<u>Type of Family Court Proceeding</u>	<u>Family Court Act-Article</u>	<u>Family Court Uniform Rules- Part</u>	<u>Services Available to Family Court</u>		
			<u>Intake/ Diversion</u>	<u>Investigation</u>	<u>Supervision</u>
Support	4	2504	Statute	Statute	Statute ^a
Paternity	5	None	Court Order	No	No
Adoption, Custody Guardianship	6	2506	Court Order	Statute	Statute
Juvenile Delin- quency (JDS)	7	2507	Statute	Statute (Designated Felony Only) Court Order (All Other)	Statute
Persons in Need of Supervision (PINS)	7	2507	Statute	Court Order	Statute
Family Offense	8	2508	Statute	Statute	Statute
Conciliation	9	None	Statute	No	No
Child Protection	10	2510	Court Order	Statute	Statute ^b

^aChapter 516, Laws of 1977 transferred support collections functions from probation to social services department.

^bSupervision of a family or an individual family member pending disposition.

Source: LCER staff from information furnished by DOP, General Counsel, November 18, 1981.

defendant must receive a written copy of them.³¹ The court may modify, enlarge or terminate the conditions of sentence prior to expiration of the probation sentence.³²

The court may revoke the probation sentence if the probationer commits an additional offense during the term of probation.³³ Or, if the court has reasonable cause to believe that the probationer has violated any condition of sentence, the court may declare the probationer delinquent and require his or her attendance before the court.³⁴ Failure of the probationer to appear, without reasonable cause, constitutes a violation of probation.³⁵

Probation Department Responsiveness to Courts. Local probation departments are responsive to orders for investigation rendered by the Family Court or criminal courts. In most cases the orders specify report due dates, and frequently the court is unable to sentence an offender without the report. As a result, when a heavy investigative workload or backlog develops, local departments sometimes divert probation officers from direct supervision of persons on probation to presentence or predisposition investigation functions. This higher priority accorded to investigative activities, may adversely affect the ability of local departments to meet State DOP supervision standards, as will be discussed further in Chapter III.

Scope and Method

This program audit evaluates DOP's efforts to supervise and improve local probation services. The probation programs of ten counties and New York City were examined in detail, with emphasis upon ascertaining compliance to State standards and identification of obstacles to improved probation performance. A random sample of adult probationer cases was reviewed for standards compliance and case management. State and local probation officials were interviewed to learn about DOP effectiveness in improving compliance to State standards, providing timely and useful management information, implementing the Intensive Supervision Program (ISP) and carrying out other statutory duties and responsibilities. Appendix A lists individuals interviewed, while Appendix B provides detail on audit methodology.

Though local department compliance, cost and workload comparisons are included, the audit does not evaluate local department effectiveness; but rather measures DOP's program and management performance. An examination of probation services within individual departments would require additional review and data collection, which are beyond the scope of this program audit.

Chapter Summary

●The Legislature in 1970 transferred statewide oversight of probation to a new Division of Probation in the Executive Department. The division was given a broad mandate to supervise and upgrade the administration of probation services statewide.

●In 1981 the statutory framework governing probation services remained complex. As a unit of county or city government, probation departments were accountable to the local executive and/or governing body. As an adjunct or a service to the courts, probation department activities and workload were defined by Family Court Act, Criminal Procedure Law, court rules and court orders. Finally, the local departments were subject to the supervision of the Division of Probation, pursuant to Executive Law and DOP rules, regulations and standards.

II TARGET POPULATION AND SENTENCING TO PROBATION

State statute prescribes the types of criminal convictions for which probation is or is not a sentence alternative. For example, offenders convicted of "violations," or noncriminal infractions of the Penal Law, may not be sentenced to more than 15 days in jail and are precluded from the probation sentence.¹ The probation sentence is not an available alternative for most serious or violent crimes. Conviction of a Class A or Class B felony or of a second or persistent felony offense requires imprisonment as does conviction of several specific Class C and Class D felonies.² However, a person convicted of such a crime, who is 14 through 18 years old, may be adjudicated a Youthful Offender (YO), and may be placed on probation.³ Generally, persons convicted of a misdemeanor are not sentenced to State prison, although they may be sentenced to jail, to probation or to a combination of jail and probation. The latter sentence often is referred to as "shock probation" or a "split sentence."

Due to these statutory requirements, probationer and State prison inmate populations have different criminal characteristics. For instance, of the 62,230 active probation cases as of September 30, 1981, 35,401 (57 percent) were misdemeanants, while 18,379 (30 percent) were YOs. In comparison, for 19,774 of 24,371 total State prison inmates as of September 28, 1981, there were no misdemeanants and only 460 (2.3 percent) YOs.

Table 1 compares the general crimes of conviction for first felony offenders sentenced to probation and to State prison. Please note that YOs are separately enumerated for the State prison group, but are included in the crime of conviction for the probationers.

The table shows that Burglary/Trespass and Grand Larceny were significantly more frequent crimes of conviction for first felony probationers than for inmates, while Robbery and Murder/Manslaughter were more prevalent for first felony State prison inmates than for probationers. Sentences to probation for Marijuana Possession or Sale, Criminal Mischief, Gambling and Prostitution were relatively frequent, but sentences to State prison for these offenses were too few to tabulate. On the other hand, seldom were felons sentenced to probation for Rape/Sodomy/Sex Abuse, Arson, Kidnapping or Forgery.

Social Characteristics of Probation Population

Table 2 compares age, sex, race and residency characteristics of probationers and State prison inmates. For purposes of comparison, age and sex data exclude persons under probation supervision due to Family Court sentence (e.g., Persons in Need of Supervision and Juvenile Delinquents).

Probationers tend to be younger, white and reside outside of New York City more than State prison inmates. Females are more apt to be on probation than in prison.

Table 1

Distribution of First Felons by Sentence to Probation
or to State Prison by Crime of Conviction
September 30, 1981

<u>Crime of Conviction</u>	<u>Probationers</u>		<u>Prison Inmates^c</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Burglary/Trespass	6,022	22.5	1,178	9.3
Robbery	4,533	17.0	4,056	32.0
Grand Larceny	3,095	11.6	167	1.3
Drugs	3,081	11.5	1,476	11.7
Weapons	2,283	8.5	308	2.4
Operating Motor Vehicle Under Influence Drugs/Alcohol	2,094	7.8	--	--
Assault	1,422	5.3	492	3.9
Theft/Criminal Possession of Stolen Property	778	2.9	87	0.7
Murder/Manslaughter	450	1.7	3,113	24.6
Marijuana	300	1.1	a	--
Criminal Mischief	190	0.7	a	--
Gambling	73	0.3	a	--
Prostitution	16	0.1	a	--
Rape/Sodomy/Sex Abuse	a	--	892	7.0
Arson	a	--	144	1.1
Kidnapping	a	--	65	0.5
Forgery	a	--	65	0.5
Other Felonies	2,407	9.0	164	1.3
Youthful Offenders	<u>b</u>	<u>b</u>	<u>460</u>	<u>3.6</u>
Total	26,744	100.0	12,667	99.9

^aNumber too small for separate break out; included in "Other Felonies."

^bYouthful offenders are not separately shown by DOP; YO's are included in the crime of conviction categories; overall YO's comprise about 30 percent of DOP's client population.

^cNote: For purpose of comparison, not all prison inmates were eligible for probation sentences.

Source: DOP, Probation Management Information System, Active Case, Report No. 2, September 30, 1981; DOCS, Bureau of Records and Statistics, Inmates Under Custody, by Offense, September 28, 1981.

Table 2

Comparison of Characteristics of Adult
Probation vs. State Prison Inmate Population

<u>Characteristic</u>	<u>Adult Probationers During 1980</u>		<u>State Prison Inmates June 30, 1981</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<u>Age</u>				
16-24	24,030	66.3	8,357	36.0
25 and over	<u>12,236</u>	<u>33.7</u>	<u>14,833</u>	<u>64.0</u>
Total	36,266	100.0	23,190	100.0
<u>Sex</u>				
Male	31,289	86.3	22,523	97.1
Female	<u>4,977</u>	<u>13.7</u>	<u>667</u>	<u>2.9</u>
Total	36,266	100.0	23,190	100.0
<u>Race</u>				
White	14,358 ^a	55.7	6,369	27.5
Black	8,253 ^a	32.0	12,229	52.7
Other	<u>3,159^a</u>	<u>12.3</u>	<u>4,592</u>	<u>19.8</u>
Total	25,770 ^a	100.0	23,190	100.0
<u>Residence</u>				
New York City	26,025 ^b	41.8 ^b	15,391	66.4
Rest of State	<u>36,205^b</u>	<u>58.2^b</u>	<u>7,799</u>	<u>33.6</u>
Total	62,230 ^b	100.0 ^b	23,190	100.0

^aPersons sentenced to probation January to August 1980.

^bAll probationer cases as of September 30, 1981.

Source: DOP, form DP-30 year end report, December 31, 1980; Probation Management Information System, "Date of Sentence Report," February 3, 1981, "Active Case Report #2," September 30, 1981; and DOCS, Bureau of Records and Statistics, "Selected Characteristics of Inmates in DOCS Facilities," June 30, 1981.

Table 3 compares the extent to which State prison inmates, prisoners in jail and probationers meet selected criteria which predict unsuccessful experience in the State's Intensive Supervision Program (ISP). The risk index method measures potential for failure on probation. The table presents the results of applying the ISP risk index to four separate samples:

- Two 25 percent probability samples (1976, 1978) of State prison inmates convicted of D or E felonies, having no prior felony convictions and drawn from the 25 ISP counties;
- A sample consisting of all jail inmates serving sentences of 90 days or more as of May 22, 1979 in five selected counties;
- A random sample of pre-ISP probationers in the 25 sample ISP counties.

Table 3

Comparison Among Sample Prison, Jail and
Probation Populations, Intensive Supervision
Program Risk Assessment Factors

ISP Risk Assessment Factors (N=)	Percent of Sample Meeting the Criterion			
	State Prison		Jail	Probation
	1978 (318)	1976 (228)	1979 (372)	1978 (2,435)
Arrested 5 Years Prior to Offense	89.3	85.3	92.5	65.7
19 Years Old or Less at First Conviction	70.8	68.5	71.0	59.8
Prior Robbery Conviction	9.1	11.8	13.4	1.8
3 Misdemeanors or 1 Felony Prior Conviction	66.5	53.4	68.8	18.8
Incarcerated Prior to Probation/Parole	57.1	51.7	63.4	15.2
Not Employed/In School Full Time	68.7	68.1	75.0	50.3
Family Criminal Record	26.0	22.7	21.5	17.1
Address Change-One Year Prior	36.4	34.9	32.8	23.8
Unfavorable Living Situation	33.9	32.8	25.0	20.5
Problem Attitude	61.4	60.5	60.8	58.1
<u>ISP Risk Score</u>				
Mean	46.9	44.0	48.2	28.4
Low 0-28	24.0	29.0	20.0	60.0
Medium 30-62	50.0	48.0	56.0	38.0
High 64-98	26.0	23.0	24.0	2.0

Source: DOP, Intensive Supervision Program, Evaluators Report #4, Similarities between ISP and Incarcerated Offenders, November 19, 1979 and Letter and Attachments to LCER Staff from Director, ISP Program, July 21, 1981.

These four groups give a comparative perspective on the relative risk of probationers to persons incarcerated.

Probationers generally are lower "risk" than persons in State prison or jail. A smaller percentage of probationers meet each "risk" criterion than persons in jail or State prison. The ISP risk score summary indicates that one quarter of the incarcerated groups scored in the "High Risk" category, compared to only two percent of the probationers.

Tables 1 through 3 illustrate that, generally, persons on probation have different attributes and represent a lesser risk to society than those in prison or jail.

Sentencing Patterns - Felony Indictments

This section compares the percent of court dispositions, based on felony indictments,* to jail, to State prison, to probation and to nonsupervised sentences by year, 1976

*Comparable data on misdemeanor arraignments, the bulk of the probation's workload, are not available.

through 1981. Appendix Table C-1 presents court sentencing for New York City, the suburban New York City area (Nassau, Suffolk, Westchester and Rockland counties), and the remainder of the State. Charts 1 and 2 compare sentencing patterns for New York City and the remainder of the State.

Before reviewing these displays, however, note that about 11 percent of the dispositions were reduced to a misdemeanor conviction. As a result, sentences to jail and/or probation may be overrepresented while sentences to State prison may be underrepresented. Second, the disposition data portray sentences given and not the number of persons sentenced. Nevertheless, the data base gives a reliable perspective on trends and regional variations in the courts' sentencing to probation, jail, State prison and unsupervised sentences.

As Chart 1 shows, upstate probation has remained between 45 and 49 percent of total sentences from 1976 to 1981. Unsupervised sentences decreased from 13 percent in 1976 to seven percent in 1981. Jail sentences increased during the period from 16 percent to 20 percent of total. State prison sentences held relatively constant--averaging between 24 and 27 percent of total over the six years.

New York City experience is portrayed in Chart 2. The City consistently has sent a higher percentage of persons indicted for felonies and subsequently convicted of a crime to State prison than the upstate counties. For example, in 1981, 51 percent of the City's felony indictments resulted in a sentence to State prison compared to 26 percent upstate. Another characteristic of the City sentencing is a much lower rate of use of the probation and jail alternatives. Over the five years, unsupervised sentences dropped from eight to three percent of total sentences, and the City's use of probation has dropped from 32 percent in 1976 to between 29 and 30 percent in subsequent years. These decreases have been more than offset by sentences to local jail--an increase from 12 percent in 1976 to about 17 percent six years later.

Similar trends indicating a decreased reliance on the unsupervised sentence and an increased use of jails are evidenced for the New York City suburban area as shown in Appendix Table C-1.

Appendix C-1 also shows trends in court use of split sentencing. These sentences to both jail and probation terms increased from almost five percent of all dispositions in 1976 to about nine percent in 1981. This increase was more pronounced in the Suburban New York City and upstate county areas than in New York City.

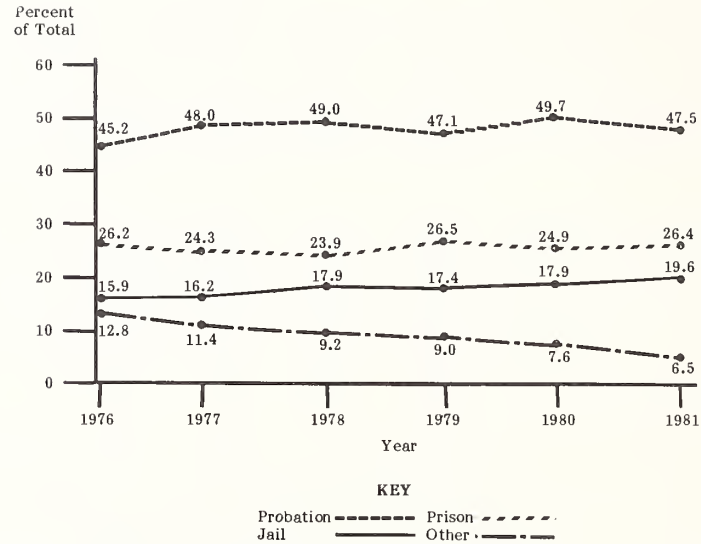
For felony indictments resulting in convictions between 1976 and 1981, the courts have gotten tougher--by decreasing their use of unsupervised sentences and increasing their reliance on the local jail alternative. This is most apparent in New York City and its suburban area. Moreover, an individual from New York City or its suburban area indicted for a felony is less likely to receive a probation sentence than a person from an upstate area.

Reasons for these trends are not readily apparent. Criminal justice system personnel interviewed by LCER staff suggest these possibilities:

- Tougher sentences for conviction of violent and repeat felony offenders resulted from 1978 Penal Law revisions.
- Office of Court Administration (OCA) efforts to reduce pending felony cases during 1978-1980 may have resulted in higher rates of incarceration; this assumes that pending cases tend to be more serious indictments with harsher criminal sentences.⁴

Chart 1

Percent of Total Convictions Based on
Felony Indictments by Type of Sentence
Upstate

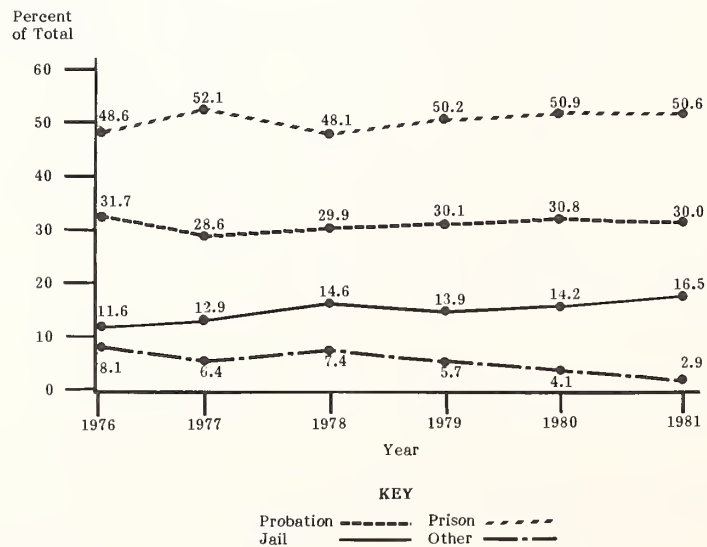


Note: Probation sentence includes split sentences (i.e., jail and probation).

Source: LCER Staff from DCJS, New York State Felony Processing Reports.

Chart 2

Percent of Total Convictions Based on
Felony Indictments by Type of Sentence
New York City



Note: Probation sentence includes split sentences (i.e., jail and probation).

Source: LCER Staff from DCJS, New York State Felony Processing Reports.

Finally, the felony indictment by year of conviction statistics do not reflect sentencing patterns for the majority of cases sentenced to probation--those sentenced for misdemeanors. Comparable misdemeanor data are not available from the Division of Criminal Justice Services for the 1976 through 1981 period. Thus, it cannot be shown whether similar trends occurred for persons convicted of misdemeanors.

Sentencing Patterns - Probation Eligible Crimes

State statute mandates a sentence to State prison for conviction for certain felonies. The preceding felony indictment trend analysis included an unknown number of convictions for which the sentence of probation was not a permissible sentence. This section presents conviction and sentence experience for specific "probation eligible crimes." These data were provided by the State Division of Criminal Justice Services upon request of LCER.

Table 4 shows the type of sentences given for conviction of selected probation eligible crimes upstate--in larger, medium and small counties--and in New York City.

Statewide, probation sentences (including jail and probation combined) resulted from about 30 percent of the convictions. Incarceration, either jail or State prison, was the most frequent supervised sentence outcome.

Table 4

Percentage Distribution by Type of Sentence for Conviction of Thirty-one Selected Probation Eligible Crimes^a (1979)

Counties	Number of Convictions	Percentage Distribution of Type of Sentence				
		Probation	Jail and Probation	Jail	State Prison	Other ^b
Large (19)	7,120	38.6	8.4	19.9	13.0	20.0
Medium (17)	964	29.4	7.4	22.3	13.3	27.7
Small (21)	636	31.4	7.9	28.5	8.5	23.7
Upstate Total	8,720	37.1	8.3	20.7	12.7	21.2
New York City	20,236	21.7	1.5	38.3	10.3	28.2
Statewide Total	28,956	26.3	3.5	33.0	11.0	26.1

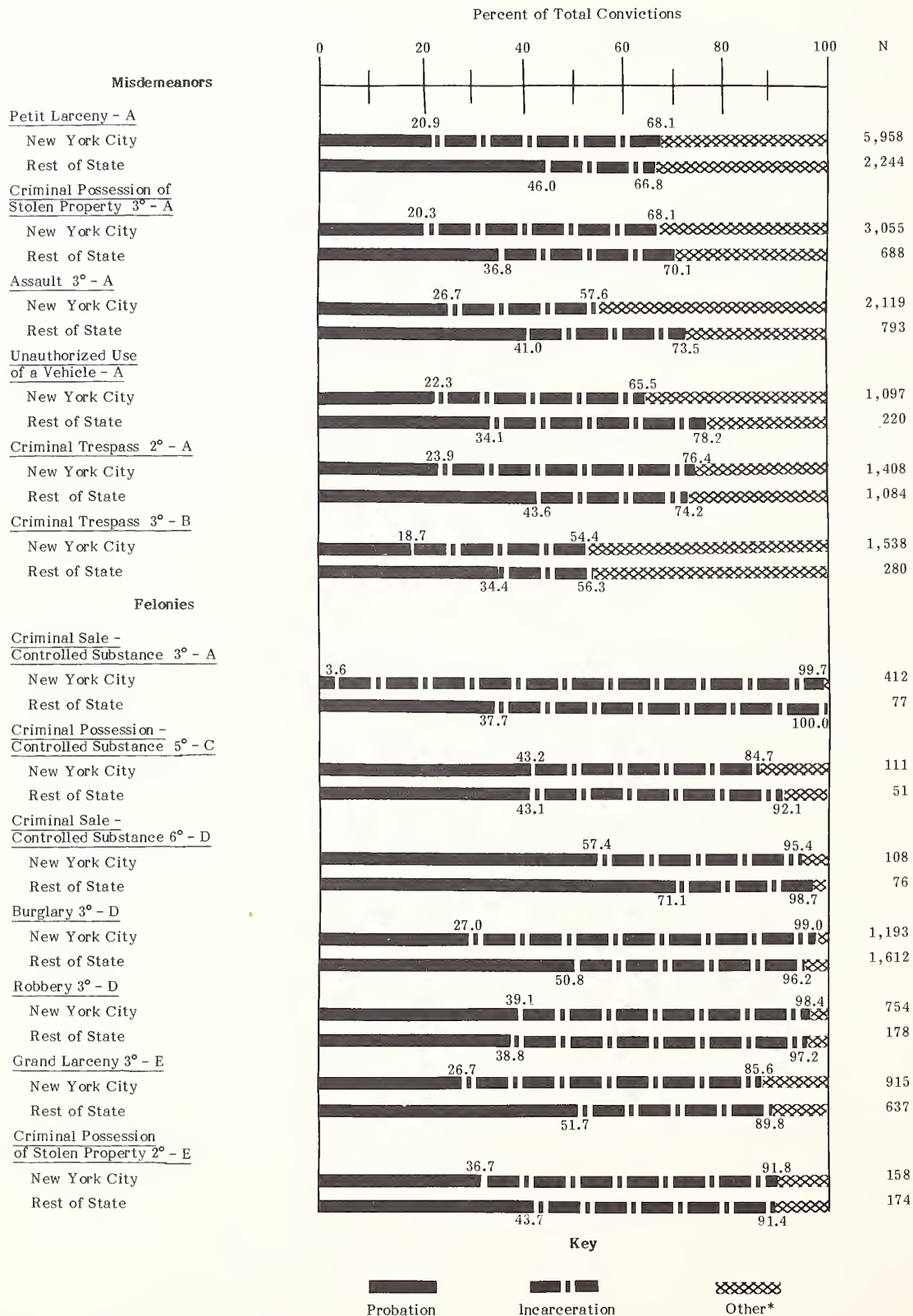
^aIncluded 17 felonies and 14 misdemeanors. Some persons convicted of probation eligible felonies may not be eligible for a probation sentence due to prior felony convictions.

^bIncludes conditional discharge, unconditional discharge and other non-supervised sentences.

Source: DCJS Sentence and Conviction Data, September 13, 1981.

Chart 3

Percent of Convictions for Probation Eligible Crimes Sentenced to Probation, Incarceration, and Unsupervised Sentences 1979 Felony Indictments



Source: LCER Staff from DCJS Sentence and Conviction data, September 13, 1981.

The variation in reliance upon the probation alternative sentence is apparent. Judges from large counties used the probation sentence more frequently than those of medium or small counties. New York City judges rendered probation sentences much less frequently than the large county judges. Conversely, incarceration was much more likely in the City than in the upstate counties.

Chart 3 compares the upstate-City use of probation, incarceration and other nonsupervised sentences for specific probation eligible crimes.

Probation was used more frequently in the rest of the State than in the City. For the six misdemeanors, the higher occurrence of a probation sentence outside of the City ranged from 12 percent for Unauthorized Use of a Vehicle to 25 percent for Petit Larceny. On the other hand, sentences to incarceration (jail or State prison) were most likely in the City for Petit Larceny, and for Criminal Trespass second and third degree, while unsupervised sentences were most prevalent in the City for Assault third degree and Unauthorized Use of a Vehicle.

For five of the seven felonies shown, probation was more frequently used in the rest of the State than in the City. Incarceration was more likely in the City for Criminal Sale of a Controlled Substance third degree, Burglary third degree, Grand Larceny third degree, and Criminal Possession of Stolen Property second degree. For conviction of Robbery third degree and Criminal Possession of a Controlled Substance, a probation sentence was about as likely in the City as in the remainder of the State. Other unsupervised sentences were more prevalent in the City for four of the seven felonies shown.

Again, these data provide no clear reason why the City courts use probation less frequently for conviction of the same crimes than courts elsewhere in the State. Criminal Justice personnel interviewed by LCER staff suggested, however, that the City's higher proportion of violent and repeat offenders might partially explain the City courts' greater use of incarceration as a sentencing alternative.⁵

Chapter Summary

● In New York State, Burglary/Trespass and Grand Larceny were significantly more prevalent crimes of conviction for first felony probationers than for inmates.

● Probationers are more likely to be younger, white, female and reside outside New York City than prison inmates.

● For dispositions of felony indictments from 1976 to 1981, the unsupervised sentence alternative was used decreasingly while the jail sentence was used increasingly. Probation sentencing held steady during the period at about 38 percent of all dispositions. However, use of the probation sentence varied, ranging from about 30 percent of total in New York City to a high of about 48 percent for upstate counties. New York City judges consistently sentenced a higher percentage of persons convicted to State prison (about 51 percent) compared to the City suburban judges (about 32 percent) and the upstate judges (about 25 percent).

● LCER's analysis of sentences for specific probation eligible crimes shows that the probation sentence was used more widely upstate than in the City.

III LOCAL PROBATION SERVICES

The DOP is charged to oversee the operations of the 57 county and the New York City and Lackawanna probation departments and to assure that they provide effective and efficient probation services. To assess the accomplishment of this legislative mandate, this chapter examines the quantity and the quality of statewide probation services. The latter is measured through local departments' compliance with selected DOP regulations, interviews with local probation officials, and the perceptions of judges in ten upstate sample counties and New York City. LCER staff chose ten counties and New York City to provide a range of probation department characteristics (see Appendix B). Due to the size and nature of its probation services, New York City is discussed separately.

Local Department Accountability

As discussed in Chapter I, probation departments were accountable to three governmental entities--local government, the courts and the State DOP. The departments operated under administrative direction of the local government which adopted its budget, had control over most of its funding, and appointed its personnel. The family and criminal courts provided functional direction through court orders requiring performance of intake, investigation or supervision services. Finally, the State Division of Probation also furnished functional direction, based upon its rulemaking authority and administrative direction resulting from the State reimbursement for local probation services.

LCER staff, in interviews with probation department directors, asked to whom they and their departments were the most accountable. Seven of the ten counties responded that the county government was the most important authority for their departments. The directors were divided on the question of whether the DOP or the courts were next in perceived importance. These perceptions of accountability may have an effect on local department probation services and priorities.

Local Department Services and Priorities

The local governments and the courts have latitude in assigning specific services to probation departments. As discussed in Chapter I, the Family Court may request probation services not specifically authorized by law.

Table 5 illustrates the number of LCER sample counties and New York City which performed various intake, investigation and supervision functions for the Family and criminal court. For example, seven counties including New York City performed Release on Recognizance investigations while only two counties performed support investigations.

Other functions performed by some LCER sample counties resulted from county custom or court order/request. These included attendance at arraignment hearings (seven counties); transporting children from detention homes to courts (three counties); and moving children to juvenile institutions for interviews or placement (seven counties).

Table 5

Selected Activities of 10 LCER Sample
Counties and New York City

<u>Activity or Function</u>	<u>Number of Departments</u>	
	<u>Yes</u>	<u>No</u>
Family Court		
<u>Intake Cases</u>		
Support	8	3
Paternity	5	6
Adoption, Custody, Guardianship	8	3
Family Offense	10	1
Conciliation	6	5
<u>Investigation & Reports</u>		
Support	2	9
Adoption, Custody, Guardianship	11	--
<u>Supervision of Adult Support and Probation Order</u>		
	5	6
<u>Collection Accounts</u>		
Support Order Only	2	9
Restitution	8	3
Criminal Court		
<u>Investigation</u>		
Release on Recognizance	7	4
Adjourned in Contemplation of Dismissal	5	6
Pre-Plea	11	--
Relief from Disabilities	6	5
<u>Predisposition Supervision/Service</u>		
	9	2

Source: DOP, DP 30/30 A forms, year to end totals, 1980.

Local Department Workload

Table 6 shows New York City, upstate and statewide cases processed by probation departments between 1977 and 1980. Statewide, during this time, intake/diversion and criminal court investigation and supervision workload increased, while Family Court investigation and supervision cases dropped.

The table also shows that New York City experienced lower rates of workload increase than upstate departments for Intake/Diversion and criminal court investigation and supervision. Family Court investigation workload decreased substantially more upstate than in the City. Conversely, Family Court supervision cases dropped in the City more than upstate.

Table 6

Probation Department Workload
Cases Processed 1977 and 1980

	New York City			Upstate		Statewide	
	<u>1977</u>	<u>1980</u>	<u>Percent Change</u>	<u>1977</u>	<u>1980</u>	<u>1977</u>	<u>Percent Change</u>
Intake/Diversion	41,671	42,402	+1.8	85,127	94,365	126,798	+7.9
Investigations							
Family Court	3,890	3,231	-16.9	22,906	16,396	26,796	-26.8
Criminal Court	<u>27,831</u>	<u>30,625</u>	<u>+10.0</u>	<u>61,741</u>	<u>73,593</u>	<u>89,572</u>	<u>+16.4</u>
Total Investigations	31,721	33,856	+6.7	84,647	89,989	116,368	+6.4
Supervision							
Family Court	3,793	2,967	-21.8	13,679	11,619	17,472	-16.5
Criminal Court	<u>37,289</u>	<u>40,022</u>	<u>+7.3</u>	<u>47,429</u>	<u>56,114</u>	<u>84,718</u>	<u>+13.5</u>
Total Supervision	41,082	42,989	+4.6	61,108	67,733	102,190	+8.3

Source: DOP, DP 30, Items 3a-e, 8, 14; DP 30A, Items 1d, 2d, 7, for 1977 and 1980 years.

Upstate Probation Departments

Intake/Diversion

Executive Law, DOP regulations and the Family Court Act require local probation departments to operate an intake/diversion unit for Family Court. The unit is responsible for screening juvenile delinquent (JD) and persons in need of supervision (PINS) cases prior to the filing of a petition. After screening, the unit may divert the case, by voluntary agreement between petitioner and respondent, to a community agency or may otherwise settle the case. Other proceedings such as support, custody, guardian, and family offense matters also may be referred for screening and possible diversion. Diversion reduces the Family Court's workload and allows juveniles to avoid the stigma of court involvement.

In May 1977, the Task Force on Critical Problems of the New York Senate Research Service issued a report criticizing local probation department intake units for lacking criteria for decision making. Lacking these guidelines, intake officer decisions to adjust or petition a case were found to vary widely for similar types of cases.¹

In 1979, DOP issued a set of juvenile intake standards supplementing its existing regulations for intake. The standards restated the regulatory requirements that the diversion decision be based upon analytical study of the juvenile's criminal history and the willingness of the petitioner and respondent to adjust the case. The standards also added the seriousness of the offense as a criterion.²

Operations. The relationships of the intake unit to the police and the Family Court are critical to its proper functioning. The purpose of intake is thwarted if the police bypass the probation department's intake unit and take cases directly to Family Court. Similarly, if the Family Court judge is not pleased with the unit's functioning, he or she may not refer cases to intake.

Only Monroe County reported that the police regularly filed petitions with Family Court, bypassing intake. The probation intake personnel interviewed by LCER staff reported generally cooperative relationships with the Family Court.

In the LCER Judges Survey, almost all of the upstate Family Court judges were satisfied with the probation departments' intake/diversion decisions. Also, the judges reported that police departments seldom filed petitions directly with the Family Court.

Compliance. LCER staff reviewed the compliance of the upstate counties with DOP Juvenile Intake Standards using DOP compliance surveys. The ten counties generally met the requirements for completion of an analytical study prior to beginning diversion programming, and notifying petitioners and respondents that participation in diversion programming is voluntary.

Investigation

When a presentence or a predisposition investigation is required, the court files a request for the investigation with the probation department, specifying the date the report is needed. Supplementing the requirements of the Criminal Procedure Law and the Family Court Act, DOP regulations establish procedures for the investigation and format of the report. Information bearing upon the ultimate recommendation and/or sentence or disposition is to be verified as quickly as possible. After presenting and evaluating the

information pertinent to the offense and the defendant's background, the report recommends the type of sentence. If the recommendation is for probation or conditional discharge, the report must outline any special conditions such as participation in a community program.³ For reports on misdemeanor convictions, the probation department may abbreviate the presentence report to use the probation officer's time more efficiently.⁴

Operations. As noted earlier, local probation departments serve three "masters"--the local government, the courts and DOP. The consequences of this dispersion of authority were apparent when LCER staff reviewed the performance of presentence investigation reports by upstate counties.

According to DOP workload/staffing reports, the probation investigation units are staffed adequately, especially when compared to the usually understaffed supervision units. Probation directors in five of the ten sample counties, however, reported using supervision staff to complete presentence or predisposition reports.

Probation directors interviewed by LCER staff suggested several reasons for the higher priority given to investigations. First, probation departments traditionally have been aligned closely to the courts and their needs. The request for an investigation is a court order requiring the production of a report by a specific due date. Also, under law, judges cannot sentence convicted felons and most misdemeanants without a presentence report. Because offenders may be detained in jail awaiting sentencing, report completion becomes a high priority.

The LCER Judges Survey in the upstate counties revealed general satisfaction with the timeliness and quality of the investigation reports. About 90 percent of the judges stated that the reports were always, almost always, or usually on time and rated the family environment, criminal history and education and employment information in the reports as excellent or good. Some dissatisfaction was expressed with the physical and mental health data and the recommendations on sentencing.

Compliance. LCER review of probationer records indicated that the county departments generally were in compliance with the format of the investigation report required by DOP. The probation directors interviewed by LCER staff were satisfied with the format and procedures required by DOP for investigations.

Supervision

While intake/diversion and investigation service the needs of the courts, supervision is a correctional function performed by the probation department after court disposition of the sentence. Probation officers supervise through personal contacts with the probationer and through collateral contacts, with family and friends of the probationer, social service agencies, the police and schools. A probationer may be referred to a community agency to deal with problems as a condition of probation or at the direction of the probation officer. If the probationer does not comply with a condition of probation and/or is reconvicted, the officer is required to file an alleged violation of probation with the court. If the probationer is found guilty of the violation, the court may revoke or extend probation and/or impose a sentence of incarceration. In 1980, 4.3 percent of

criminal court probationers and 6.6 percent of juvenile Family Court probationers had their sentences revoked or were discharged due to a new conviction.

In 1975, DOP promulgated regulations requiring the classification of probationers, maintenance of minimum monthly personal and collateral contacts by classification category and recording of the full supervision history in the case record. All cases were to be classified as intensive (as distinct from the Intensive Supervision Program discussed in Chapter IV), active or special based on the probationer's risk to the community and program needs. Each month, probation officers were to make four personal and four collateral contacts for intensive cases. Active cases were to receive two personal and two collateral contacts per month, while special cases were to receive one personal and one collateral contact monthly. The probationer's classification was to be reviewed every three months and the officer was to write a quarterly supervision summary.⁵ DOP has conducted periodic surveys to measure the level of compliance with its supervision regulations.

Compliance. LCER staff reviewed compliance with the personal and collateral contact standards, the reasons for a probationer's classification, the quarterly classification review, and the quarterly supervision summaries. Upstate compliance with the standards reviewed other than the personal and collateral contact standards was high. Quarterly supervision surveys were present in 81 percent of the cases. Quarterly classification reviews were conducted in 85 percent of the cases while reasons for initial classification were noted in 86 percent of the files reviewed.

Compliance with personal and collateral contacts was measured by reviewing the files of 461 probationers in the ten counties and New York City for March, April and May 1981, a total of 1,383 case months. (See Appendix B for a discussion of file review method.) A total of 144 case months were lost for analysis because 48 probationers had been transferred or discharged or case records were not available.

LCER staff examined the remaining 413 case records to document written evidence on the number of personal and collateral contacts each month. When the files included no evidence to determine whether or not any contacts were made, LCER staff considered that information not available. Thus another 396 case months (28.6 percent) were lost for analysis because of inadequate case record management. DOP regulations require documentation of the entire supervision history in the case record.⁶ DOP officials agreed that the contact information should be in the case record.⁷

Compliance with DOP standards is shown in two ways: (1) percent of case months in full compliance with the standards, and (2) percent of required monthly contacts made.

Table 7 presents the level of compliance with the personal and collateral contact standards for the upstate counties. The counties complied fully with the personal contact standards for 60 percent of the case months and made 69 percent of the required personal contacts. For collateral contacts, compliance was lower. Only 40 percent of the case months were in full compliance while 52 percent of the required collateral contacts were made.

Compliance was lowest with intensive cases. Only 58 percent of the required personal contacts and 40 percent of the mandated collateral contacts were made in the intensive cases. This category is appropriate for all probationers during the first three months, new probationers during the first six months who are considered to be serious risks to the community or have particular program needs, and those having difficulty observing the conditions of probation.⁸

Table 7

Upstate Probation Department Compliance
with DOP Personal and Collateral Contact Standards
LCER Sample

<u>Type of Case</u>	<u>Percentage of</u>	
	<u>Case Months In Full Compliance^a</u>	<u>Required Contacts Made^b</u>
<u>Personal Contacts</u>		
Intensive	29 (N=96)	58 (N=384)
Active	57 (N=223)	73 (N=446)
Special	85 (N=143)	85 (N=143)
Total	60 (N=462)	69 (N=973)
<u>Collateral Contacts</u>		
Intensive	11 (N=96)	40 (N=384)
Active	45 (N=223)	62 (N=446)
Special	51 (N=143)	51 (N=143)
Total	40 (N=462)	52 (N=973)

^aBased on number of case months reviewed.

^bBased on number of required contacts during March to May 1981.

Source: LCER Probation Rules Compliance Survey, Upstate Sample Probation Departments, July-August 1981.

Table 8 presents the variation in compliance levels among the LCER sample counties. Percentage of required personal contacts made varied from 41 percent in Dutchess to 89 percent in Wyoming. For collateral contacts, Niagara made only 20 percent of the required contacts compared to Suffolk which made 74 percent of the contacts mandated.

Obstacles to Compliance. The level of compliance with DOP standards raises questions about the quality of probation supervision. DOP officials concurred that the LCER findings were consistent with DOP's own findings. They believed, however, that overclassification of caseloads, inadequate supervision staff, and the priority of investigation over supervision contributed to the low compliance.

Table 8

Upstate Probation Department Compliance with
DOP Personal and Collateral Contact Standards
Percentage of Required Contacts Made
LCER Sample

Local Probation Department	Personal				Collateral			
	<u>Intensive</u>	<u>Active</u>	<u>Special</u>	<u>Total</u>	<u>Intensive</u>	<u>Active</u>	<u>Special</u>	<u>Total</u>
<u>Large</u>								
Albany	69	77	100	75	36	69	69	49
Dutchess	27	53	75	41	52	50	58	52
Monroe	78	86	86	81	43	18	41	31
Suffolk	39	78	93	71	50	79	100	74
<u>Medium</u>								
Niagara	72	67	68	69	19	24	16	20
Saratoga	92	57	86	76	33	43	71	45
Ulster	60	63	67	61	50	53	56	52
<u>Small</u>								
Herkimer	56	16	80	45	56	25	40	42
Lewis	50	75	86	70	0	50	14	26
Wyoming	--	<u>88</u>	<u>92</u>	<u>89</u>	--	<u>63</u>	<u>8</u>	<u>39</u>
Total	58	73	85	69	40	62	81	52

Source: LCER Probation Rules Compliance Survey, Upstate Sample Probation Departments, July-August 1981.

Compliance is measured based upon the classification of the case. DOP experience with the Intensive Supervision Program suggests that only 15 percent of all cases should be so classified as intensive. The proportion of 1980 adult cases classified as intensive in the upstate sample ranged from 14 percent in Saratoga to 41 percent in Lewis.

Objective Classification. In 1975, Suffolk County developed and validated an objective risk instrument to classify probationers. The instrument weighs factors such as criminal history and family background to estimate the risk level of the probationer. Suffolk had the lowest proportion of cases labeled intensive among the four largest LCER upstate counties (Albany, Dutchess, Monroe and Suffolk) in 1980 and is the only county outside New York City to develop and use a risk instrument.

LCER staff asked why DOP had not mandated the use of an objective classification system statewide. DOP officials indicated the 1975 regulations requiring the three part classification were based upon a consensus of local practitioners and the state of the art

and 2nd
lowest
compliance
intensive
here

at that time. Planned 1982 revisions of the DOP regulations require the use of an objective classification system for all departments.

DOP's Efforts to Improve Compliance. DOP officials advised LCER staff that the division has used several approaches to respond to lack of compliance with its contact regulations:

1. Providing local departments technical assistance and support,
2. Conducting compliance surveys to document deficiencies,
3. Promoting the ISP program for supervision of high risk probationers, and
4. Documenting inadequate staffing levels.⁹

DOP rarely has considered withdrawing State aid to promote compliance, though legislative intent suggests that this be done as needed.

LCER Judges Survey. Table 9 lists the comments of judges on the strengths and weaknesses of the supervision services of the local probation departments, upstate and New York City. The City responses will be discussed in the subsequent section. Upstate services were reported as excellent (38 percent) or good (24 percent) while the major weaknesses were too heavy caseloads (39 percent) or supervision services (26 percent).

Community Resources

Referral to a community agency as a special condition of probation is one option available to the court to rehabilitate a probationer. Noncompliance by the probationer may result in the filing of a violation of probation or revocation. DOP regulations state that probation officers should identify, utilize and evaluate community resources to meet the probationer's needs.¹⁰

Fifty-eight percent of the upstate probationers received a special condition requiring attendance in a community agency program. Three-quarters of the conditions were for alcohol treatment or mental health counseling.

Table 10 indicates that almost 90 percent of the upstate judges felt that the departments used community resources effectively and efficiently. About two-thirds of the judges believed that local alcohol, drug abuse and mental health programs were adequate to meet probationer needs.

New York City

New York City's probation department has experienced reductions in its resources and professional staff in face of a rising criminal population and mounting workloads. Prior to 1974 when the City Department of Probation was established, probation services were provided by four separate agencies under court jurisdiction. In 1970, 2,123 positions were budgeted for probation services. By the end of 1974, the number of City-funded probation employees had been reduced to 1,454.¹¹

Table 9

**Judges Responses: Strengths
and Weaknesses of Probation Departments
LCER Survey**

<u>Weaknesses</u>	<u>Upstate</u>		<u>New York City</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Budget/Manpower				
Heavy Caseloads	25	38.5	20	41.7
More Communication/ Information Needed	7	10.8	8	16.7
Timeliness/Delays	10	15.4	3	6.3
No Close Supervision	6	9.2	12	25.0
General/Other	17	26.2	3	6.3
Needed Change in Organization	--	--	2	4.2
Total	65	100.1	48	100.2
<u>Strengths</u>				
Excellent	19	38.0	--	--
Fair/Efficient	4	8.0	--	--
Cooperative	2	4.0	1	16.7
Good Communication with Court	5	10.0	--	--
Competent/Educated/ Dedicated Staff	8	16.0	1	16.7
General/Other/ Good/Adequate	12	24.0	4	66.7
Total	50	100.0	6	100.1

Source: LCER Judges Survey, October-November 1981.

Table 10

**Judges Perception of
Community Resources
LCER Survey**

	<u>New York City</u>	<u>Upstate</u>	<u>Total</u>
Department Uses Resources Effectively and Efficiently	44.4% (N=54)	88.7% (N=159)	77.5% (N=213)
Community Resources Adequate to Meet Probationer Problems			
Alcohol	56.3 (N=71)	74.3 (N=167)	68.9 (N=238)
Drug Abuse	53.5 (N=71)	63.8 (N=163)	60.7 (N=234)
Job Counseling	28.6 (N=70)	49.0 (N=157)	42.7 (N=227)
Mental Health	29.0 (N=69)	67.7 (N=161)	56.1 (N=230)

Note: Number in parentheses is number upon which percentage is based.

Source: LCER Judges Survey, October-November 1981.

Although the City department was unable to furnish LCER staff with the number of actual filled positions for the period prior to June 1978, departmental budgets show that 638 probation officers budgeted in 1974 decreased to 484 budgeted in 1981.

Intake

Total intake caseload remained relatively stable--decreasing from 43,307 in 1978 to 42,402 in 1980. However, as Table 11 shows, the number of intake POs decreased by 17 percent, resulting in an offsetting 17 percent increment in caseload per PO.

Table 11
New York City Staffing and Workload
1978-1980

Number of Case Bearing Staff	<u>1978</u>	<u>1979</u>	<u>1980</u>	Percent Change 1978-1980 Increase (Decrease)
<u>Family Court^a</u>				
Intake	54	52	45	(17)
Investigation	32	37	28	(12)
Supervision	30	26	26	(13)
<u>Criminal Court^b</u>				
Investigation	168	138	135	(20)
Supervision	206	213	178	(14)
Caseload per Staff Person				
<u>Family Court^a</u>				
Intake	802	790	942	17
Investigation	105	119	112	6
Supervision	35	26	18	(49)
<u>Criminal Court^b</u>				
Investigation	153	182	195	27
Supervision	187	174	225	20

^aAs of December.

^bAs of June.

*Source: New York City Department of Probation,
October 1981.*

During the three year period, intake cases referred to petition increased 21 percent while those adjusted by probation decreased 30 percent. Cases terminated without adjustment dropped 33 percent. The sharp increase in workload per PO may have contributed to the increased referrals to petition.

City probation officials told LCER staff that the increase in cases petitioned also may have resulted from implementation of DOP's 1979 Juvenile Intake Standards. These standards emphasized the responsibility of probation officers to inform persons served by intake of their right to file a petition in Family Court. DOP intake compliance surveys indicate that New York City is failing to complete the analytical survey required by DOP regulations prior to beginning diversion programming.

In the LCER Judges Survey, 40 percent of Family Court Judge respondents believed that the intake units diverted cases appropriately; this compares to 82 percent of the responding Family Court Judges elsewhere in the State. Also, 40 percent of the City Family Court Judges indicated that too many intake cases were petitioned to Family Court.

Investigation

While Table 6 shows that the number of presentence investigation reports (PSI) completed has remained stable, probation officers assigned to investigation decreased by 12 percent in Family Court and by 20 percent in criminal courts between 1978 and 1980. Caseload per officer increased by six percent for Family Court but rose 27 percent for the criminal courts.

In 1981 the Department of Probation instituted a program to accelerate completion of the PSI, thereby reducing the number of jail prisoners awaiting sentence to State prison. By adopting a revised, simplified report format, using staff overtime and contracting additional typing services, the department reduced the processing time for and shortened the length of presentence reports. As a result, the 1,130 persons awaiting sentencing in jail as of March 1981, dropped to 30 remaining in jail in September 1981.¹²

DOP's May 1981 study found the new PSI system to be "in substantial compliance" with State rules. This was also confirmed by LCER's compliance survey. However, the DOP study found many cases (1) where the description of the offense appeared to be a verbatim restatement of the indictment and (2) where a factual summary of the offender's background was substituted for an evaluative analysis. City department officials also expressed dissatisfaction with the quality of the evaluative analysis and the verification of information. They said that probation officers need additional training in this area and that management needs to distribute each officer's workload more evenly between the long and short-term investigations.¹³

Some judges have criticized the reports generated under this system as "untimely," "wholly inadequate," "too skimpy," "lacking in proper sentencing information," and "poor in quality of work."¹⁴ However, a study conducted by DOP in May 1981 found that 63 percent of the sample reports were completed at least two weeks prior to sentencing.¹⁵

In the LCER Judges Survey, 64 percent of City judges reported that the reports were timely. This compares to a 91 percent rating upstate. As to the quality of the reports, the City judges gave a 68 percent excellent or good rating for family and environmental information and a 76 percent excellent or good rating for criminal history. By comparison, judges upstate gave these categories a rating of 90 percent or better.

Only 53 percent of the City judges rated the education and employment information as excellent or good. Their score dropped to 48 percent for physical and mental health information and to 44 percent for the recommendation on sentencing. This supports DOP's finding of inadequacies in the evaluative analysis section of PSI. Satisfactory ratings by upstate judges for these categories were over 70 percent.

Supervision

Table 11 shows that the number of staff available to supervise probationers from the criminal courts declined 14 percent from 1978 to 1980, resulting in an increase in average caseload from 187 to 225. In the ten upstate counties the 1980 adult caseload of POs averaged 63 cases.

In December 1980, 173 probation officers sent a "declaration of disclaimer" to court officials saying that, in view of being assigned additional cases to their already "excessive caseload," "these additional cases are being accepted under duress." They refused to be held responsible for any "problems that may arise" with the additional cases and disclaimed "any responsibility" for problems with their present cases if directed to give them lower priority than the additional cases assigned.¹⁶

Operating with these large caseloads the City has not been in compliance with State rules and regulations on supervision and classification of probationers as pointed out in DOP's 1977 supervision compliance review. A Joint Task Force was appointed to develop an acceptable supervision plan for the City, and it recommended the adoption of the Wisconsin Risk/Needs Assessment Instrument. On April 1, 1980 the State granted a one-year waiver from its rule on personal and collateral contacts to enable the City to implement a Differential Supervision Program.

Differential Supervision Program. In July 1980 the program started in the Bronx and Staten Island, was extended to Manhattan and Queens late in 1981 and is planned for operation in Kings County in 1982. The City's request for a continuation of its waiver made in September 1981 still was pending as of December 1981.

The City's Differential Supervision Program applies a nationally certified formula to assess client risk and social needs. A June 1981 validation of the program found the system to be especially predictive for high and low risk probationers.¹⁷ During the demonstration period, the re-arrest rate of probationers classified at the lowest risk level was approximately three percent, an extremely low rate.

The program involved monitoring the low risk probationers by computer, providing data necessary for better caseload management, reducing clerical support needs for probation officers, and giving access to management data for more effective evaluation of the probation supervision process. However, as of December 1981 full enhancement of the program was awaiting the acquisition of more and larger computer equipment and program personnel.¹⁸

Compliance. Despite City satisfaction with the limited experience of its Differential Supervision Program and expectations for the future, the results of LCER's sample compliance survey of Bronx and Kings Counties disclosed that regular supervision remains inadequate and poor. In general, the records in the case files were in no particular order with papers randomly placed in the files. Recordings of chronological contacts were spotty and notes on office visits generally gave little substance of contacts with the probationers. Practically no home visits were reported in the files. In the LCER

compliance survey only 33 percent of the cases had quarterly supervision summaries. LCER lost 228 of the 609 case months (37 percent) from analysis because of poor record keeping compared to only 22.7 percent lost upstate. Reasons for classification of the cases were present in only 33 percent of the cases.

New York City has maintained a level of supervision substantially below the minimum level of one personal contact per month required in the Executive Law (see Table 12). Upstate counties averaged 1.85 personal and 1.45 collateral contacts monthly compared to .69 personal and .19 collateral contacts monthly in New York City. Eighty-five percent of the case months reviewed in New York City had no collateral contacts compared to 32 percent upstate.

Table 9 reports that almost all of the New York City judges responding listed weaknesses rather than strengths of the supervision services provided by New York City. Heavy caseloads (42 percent), poor communication with the courts (17 percent) and lack of close supervision (25 percent) were the chief weaknesses cited by the judges.

City probation officials agreed with LCER staff that case records were poorly organized, but stated new policies were adopted in May and August of 1981 establishing a uniform protocol for contents and arrangement of the case folders. However, officials said that the LCER survey underestimated actual contacts because the field books of the probation officers were not reviewed by LCER staff. They believed that with such large caseloads the paper work either was not done or was done in a very abbreviated fashion.¹⁹

Table 12

Personal and Collateral Contacts
New York City and Upstate Counties
LCER Sample

	<u>New York City</u>	<u>Upstate Counties</u>
<u>Personal Contacts</u>		
Average Per Case Month	.69 (381)	1.85 (461)
Percentage of Case Months		
With No Personal Contacts	43%	15%
<u>Collateral Contacts</u>		
Average Per Case Month	.19 (381)	1.45 (461)
Percentage of Case Months		
With No Collateral Contacts	85%	32%

Note: Number in parentheses is case months upon which the average is based.

Source: LCER Probation Rules Compliance Survey, July-September 1981.

Community Resources

There was a wide variation in the number of community referrals made as a special condition of probation between New York City and upstate counties. Only 28 percent of the City probationers compared to 58 percent upstate had special conditions requiring attendance in a community agency program.

An explanation for this variation can be found in the Judges Survey. Eighty-nine percent of the upstate judges compared to only 44 percent of responding New York City judges felt that the probation department used community resources effectively and appropriately. Furthermore, judges in New York City were far less likely than those upstate to believe that community resources were adequate to meet alcohol, drug, employment, or mental health problems (see Table 10).

Conclusion

The reduction in probation staffing in New York City since the mid 1970's has affected the performance of the intake, investigation and supervision function and may contribute to the reduced reliance on the probation sentence by New York City judges. The differences in the quality of probation services between the upstate counties and New York City are substantial.

The growth in intake cases petitioned to Family Court may be caused partly by increased workload per officer. A case petitioned to court uses less probation officer staff resources than those cases which are adjusted. Some City judges believed that too many cases were sent directly to Family Court.

The City's efforts to speed up completion of presentence reports strained an already undermanned investigation staff. As a consequence, the quality of the presentence reports suffered as evidenced by the Judges Survey and DOP's evaluation of the speed-up process.

The impact of the staff reductions on the quantity and quality of supervision of probationers was substantial. As the LCER Rules Compliance Survey indicates, probation officers faced with caseloads averaging 225 in 1980, made less than one personal contact monthly, usually an office visit, and rarely contacted anyone other than the probationer. The "Declaration of Disclaimer" filed by 173 officers in 1980 is further evidence of the unmanageability of existing case loads. Case record management and probationer referrals to community agencies are neglected partly because of excessive caseloads.

New York City judges, as shown in Chapter II, have relied more frequently on incarceration and unsupervised sentences and less frequently on probation sentences than other judges in the State. The City judges also expressed concern about the quality of supervision services and the size of supervision caseloads. Possibly the City judges' qualms about supervision services may foster their reluctance to more fully use probation as a sentencing alternative.

Probation: The Judge's Perspective

Table 13 reports the views of judges on probation's relationship to the criminal justice system. Seventy-eight percent of the judges felt that the investigation report was extremely or very important in their sentencing decisions. About one-half believed that

an investigation report was not always needed even though it was required by law. Most frequently cited were cases personally known to the court (26 percent), plea bargaining cases (38 percent), youthful offender cases (nine percent) and minor offenses (12 percent).

Table 13
Judges Perception of Probation
LCER Survey

<u>Investigation</u>	<u>New York City</u>	<u>Rest of State</u>	<u>Survey Average</u>
Presentence Report is Not Necessary at Times	59.0% (N=83)	48.9% (N=180)	52.1% (N=263)
Presentence Report is Extremely or Very Important in Sentencing	70.2 (N=84)	81.5 (N=184)	77.9 (N=268)
<u>Supervision</u>			
Wants Regular or Frequent Reporting on Probationer Adherence to:			
General Conditions of Probation	58.1 (N=86)	72.7 (N=183)	68.1 (N=269)
Special Conditions of Probation	70.5 (N=85)	78.3 (N=179)	75.2 (N=264)
Is Very Aware or Generally Aware of Supervision Services	26.8 (N=86)	46.2 (N=184)	40.0 (N=270)
<u>Concept of Probation as it Exists Today^a</u>			
Alternative to Prison Providing an Opportunity for Rehabilitation	59.5 (N=84)	49.5 (N=182)	52.6 (N=266)
A Penalty Which Can Deter Further Crime	21.4 (N=84)	34.6 (N=182)	30.4 (N=266)
Alternative to Prison Providing for Retribution	13.1 (N=84)	20.9 (N=182)	18.4 (N=266)

^aThree most frequent answers to survey item. Multiple responses were permitted.

Source: LCER Judges Survey, October-November 1981.

The judges' awareness of local supervision services was limited. Only two-fifths of the judges indicated that they were very aware or generally aware of local supervision services including only one-quarter of the New York City judges. However, most judges wanted regular reports on probationer's adherence to general and special conditions of probation or of problems which might lead to filing of an alleged violation.

Finally, slightly over one-half of the respondents stated probation provided an opportunity for rehabilitation. The second and third most frequent response emphasized probation's role as a deterrent to further crime (30 percent) or as an alternative providing a degree of retribution (18 percent).

Chapter Summary

LCER Sample Counties

●Local probation departments have multiple lines of accountability. The county government provided administrative direction to the department while the courts gave functional direction through expertise, court law and proximity. The State DOP provides both functional direction through its rule making and administrative direction under the State aid reimbursement formula.

●Probation directors and judges indicated that the probation intake units generally had good relationships with Family Court and police departments. Police departments seldom bypassed the intake unit.

●In five LCER sample counties, probation directors reported using officers assigned to supervision to complete investigation reports. Probation departments worked closely with the courts and were responsive to the need to promptly complete reports on defendants in jail awaiting sentencing.

●LCER sample counties generally were in compliance with the DOP regulations specifying the format for the investigation reports. Judges rated the timeliness and quality of the investigation reports highly.

●County compliance with DOP supervision regulations, excluding personal and collateral contacts, was high. Quarterly supervision summaries were present in 81 percent of the cases.

●Approximately 23 percent of the sample counties case months reviewed for compliance could not be analyzed because of inadequate recordkeeping. Contrary to DOP regulations, information on all personal and collateral contacts made for these cases was not clearly reported in the probationer's record.

●LCER sample counties fully complied with the DOP personal contact standards for 60 percent of the case months reviewed and made 69 percent of the required contacts. Only 58 percent of the required personal contacts were made for intensive cases. Only 40 percent of the case months were in full compliance with collateral contact standards, while 52 percent of the required collateral contacts were made.

●DOP officials stated that overclassification of caseloads, inadequate supervision staffing and the priority of investigation over supervision contributed to the low compliance with supervision standards. DOP officials responded to the lack of compliance by providing departments with technical assistance, conducting compliance surveys and promoting the ISP program. They did not withhold State aid for failure to comply with supervision standards.

New York City

● Though the New York City Department of Probation workload remained relatively stable from 1978 to 1980, cutbacks in the number of officers resulted in an increased workload per probation officer.

● During the three year period workload per intake officer rose by 140 cases, and substantial increases in the number of cases petitioned to Family Court occurred. Since less probation officer staff resources are used to petition a case than to reach an adjustment of it, the growth in workload may have contributed to the increased referrals to Family Court.

● In 1981 the City instituted a program to complete investigation reports in two weeks to reduce the number of defendants in City jails awaiting sentencing to State prison. By September, only 30 of the 1,130 persons awaiting sentencing to State prisons in March were still in City jails.

● A May 1981 DOP report found investigations completed under the speed up program to be in "substantial compliance" with DOP rules. The report, however, also expressed concern with the quality of the evaluative analysis in the reports reviewed. A majority of the City judges responding to the LCER Judges Survey also expressed this concern.

● Approximately 37 percent of the case months could not be analyzed because of inadequate case record management. Quarterly supervision summaries were found in only one-third of the cases.

● The City averaged only .69 personal contacts and .19 collateral contacts per case month compared to 1.85 personal and 1.45 collateral contacts in the ten LCER sample counties.

● New York City judges emphasized heavy caseloads, poor communication with the courts and lack of close supervision as the principal supervision weaknesses.

● New York City had a substantially smaller proportion of probationers referred to community agencies for special conditions than the upstate sample. New York City judges indicated greater dissatisfaction with the use of community resources by the probation department than did upstate judges. A larger proportion of upstate judges felt the community resources to meet probationer problems were adequate as compared to New York City judges.

Probation: The Judge's Perspective

● Most respondents to the LCER Judges Survey regarded the presentence or predisposition reports as extremely or very important in their sentencing decisions. About one-half of the judges felt there were times when an investigation report, though required by law, was not necessary.

● Approximately three-quarters of the judges wanted regular reports or reports on problems with probationer's adherence to special or general conditions of probation.

● Judges generally saw probation as an alternative to prison providing an opportunity for rehabilitation or as a deterrent to further crime.

IV STATE PROGRAM ADMINISTRATION

The division's mission statement reflects its statutory mandates and legislative intent.

To assist local probation departments in providing efficient and cost effective probation services through rule, financial support, affirmative action, direct services, training, data collection, and general supervision in three functional areas: intake/diversion, investigation/reports, and supervision. (Management Plan 1981-82)

This chapter addresses how the DOP's organization attempts to fulfill its mission. Included are examinations of DOP's organizational structure, the impact of federal grants on division growth, its management by objectives program and the division's State program oversight through (1) monitoring local probation department compliance to DOP standards, (2) providing management information and (3) initiating and carrying out the Intensive Supervision Program (ISP).

Functions, Organization, Staffing

The Division of Probation has two main programs. Administration includes managerial, legal, personnel, fiscal, information systems, and program development functions. Local Probation Services includes direction for field operations in the Albany, Buffalo, New York City and Syracuse area offices, training and the Intensive Supervision Program. Until December 31, 1980, the division also provided direct probation services to Fulton, Montgomery and Warren counties.

From 1976 to 1981, shifts in functional responsibility occurred among programs (see Table 14). The Administration Program shows a gradual growth in staffing, with major increases in 1978 and 1981 due to the addition of the Training Academy (which was then retransferred in 1979 to Local Probation Services Program) and the Management Analysis and Information Services Units. Local Probation Services' increase in 1979 was due mostly to the startup of the Intensive Supervision Program (ISP) and the transfer in of the Training Academy.

The Division of Probation has obtained federal grants to expand and improve its programs (see Chapter V). In the six years examined, personnel funded under federal grants accounted for from 30 to 50 percent of total division staffing. Twelve federal grants have been used to formulate six important programs:

- Volunteer/Community Resources (total grants \$93,164),
- Training and Staff Development (total grants \$542,166),
- Probation Practices Review Office (total grants \$90,929),
- Information System/Research and Evaluation (total grants \$1,621,779),
- Systems for local department analyses (total grants \$314,143), and
- the Management by Objectives Program (total grants \$201,008).

Table 14

Division of Probation Filled Positions

Program/Type of Staff	As of April				1980*	1981	1976-1981 Percent Increase (Decrease)
	1976	1977	1978	1979			
Administration							
Professional	10	10	14	12	12	16	60.0
Clerical	13	13	12	15	15	18	38.5
Local Probation Services							
Professional	12	13	14	25	30	29	141.7
Clerical	4	6	2	12	12	15	275.0
Direct Probation Services*							
Professional	15	17	19	14	16	--*	(100.0)
Clerical	10	11	8	6	5	--*	(100.0)
State Purposes Subtotal							
Professional	37	40	47	51	58	45	21.6
Clerical	27	30	22	33	32	33	22.2
Federal Grant Programs							
Professional	42	35	18	25	27	26	(38.1)
Clerical	22	25	22	12	11	7	(68.2)
Total Filled Positions	128	130	109	121	128	111	(13.3)
Percentage Positions Supported by Federal Grants	50.0	46.2	36.7	30.6	29.7	29.7	
Expenditures							
Federal	\$1,558,385	\$1,098,386	\$ 949,078	\$1,068,965	\$1,627,012	—	—
State Purposes	\$1,105,226	\$1,240,658	\$1,697,477	\$1,843,685	\$2,104,163	—	—

*Funding to 12/31/80.

Source: DOP, Finance Department, Personnel Department.

As will be discussed in Chapter V, total grant expenditures for formation of these six State funded programs equalled \$2,863,189, or 42 percent of the total federal grant expenditures of \$6,841,826. While the number of personnel supported by federal grants has dropped, the total number of personnel has remained relatively stable because of the division's translation of federal grant programs into State funded programs.

Management by Objectives

A significant feature of DOP's administration is its use of a management by objectives (MBO) program to coordinate and control the division activities. The division instituted MBO in 1977 to operate in conjunction with the Governor's Objectives Development Program, and has continued it with two revisions (1979, 1981).

MBO has four main characteristics:

- Specific behaviorally oriented objectives coupled with action plans;
- Genuine participation of all in the objectives and action plans;
- Agreement and understanding of objectives; and
- Periodic review of results with management feedback.¹

The division annually lists all of its planned actions for the year in the Annual Management Plan to facilitate its management of probation programs. The purpose of the MBO program is stated by DOP "as means of ensuring that probation services in New York State are carried out efficiently and adequately in accordance with law and the need for community protection."² The program is run so that "All professional staff are involved in the development. . .and efforts to achieve (objectives)," and that "Responsibilities have been assigned to all levels of management and professional staff. . .and that strict accountability. . .is closely understood."³

Because the MBO program is considered so important by the division, LCER undertook an examination of this program's consistency with standards for MBO established in the literature and MBO's usefulness.

Characteristics of the System

The Annual Management Plan includes the division's mission statement and goals, objectives formulated by unit, and unit activities.⁴ The 1981-82 plan also lists division objectives formulated by the Director and the Commission of Probation. The unit managers were directed to consider the division's mission statement as their only mission, and unit objectives were to accomplish that mission.⁵ DOP endeavors shown in the Annual Management Plan can be tracked from activities, to unit objectives, to division goals, to the mission statement. The interrelationships of general mission to specific activity are delineated for unit managers. This enables higher level management to track the division's activities.

While most MBO processes are internal to the division, Annual Consultants' Plans, drawn up by the Probation Program Consultants and Area Administrators include objectives targeted for individual county probation departments. These objectives are included in each county director's Annual Probation Plan, making it possible for MBO to eventually have an impact upon the actual practice of probation.

Effectiveness of MBO

Division unit managers interviewed by LCER staff⁶ generally agreed that employee participation in the attainment of organizational goals was facilitated by MBO, but that participation in setting the goals varied among units. While the MBO process produced a sharper focus, and was a formalized tool affecting the decision making process, it was perceived by unit managers as having a minor effect upon the allocation of resources (personnel) within their units. MBO was seen to increase accountability not only for subordinates, but also for supervisors. Supervisors were held accountable for the documented accomplishments of their subordinates. New assignments also were documented, making supervisors accountable to their subordinates for demands that could supplant original objectives.

The two deputy directors⁷ viewed MBO as a useful, functional management tool, enabling them to keep track of the activities and progress of the units. They saw MBO as a method to increase their coordination of units and activities. The deputy directors believed that the unit managers were impelled to talk to each other because of interrelated objectives. In addition, both deputies told LCER staff that MBO promoted organizational unity through increasing communication.

Both unit managers and the deputy directors told LCER staff that MBO was an integral management tool within DOP, but that it was primarily an internal process with little impact upon the provision of DOP services to the local departments.

In March 1981, the division prepared a critique of the MBO program because many objectives had not been completed as scheduled. For 1980-81 maintenance objectives (repetitive or constant procedures) had a 16.9 percent rate of completion, and developmental objectives (innovative or programmatic) had a completion rate of 56.6 percent.⁸

The division's written critique identified four areas of difficulty:⁹

1. Reporting problems due to lateness, nonsubmission, instructions not being followed, lack of statistical representation of trends and only updating the State Director's summary.
2. No attempts at formal training since a seminar in June 1979, contributing to staff confusion concerning the correct meaning and usage of the terms and structure of MBO.
3. Division Goals which were too broad and unmeasurable. Also objectives were used to measure who and when, but not how well. A "numbers game" had evolved around the maintenance/developmental objectives split.
4. Lack of support for MBO from upper management.

The critique suggested how to rectify the situation. A number of changes were made in the MBO program in fiscal year 1981-82.¹⁰ These included:

1. A reorientation from the "bottom up" objective setting process of earlier years, with major objectives being formulated by the Director and Executive Committee.
2. Maintenance objectives eliminated from the MBO plans and reports, and incorporated instead into unit procedure manuals.

3. Progress reports sent directly to Deputy Directors who were made responsible for both substance and form of the MBO program.

Conclusion

The Division of Probation's MBO program appears to fit the generally accepted norms described in recent literature. As of December 1981, the MBO program was a functional management by objectives system used by division management to create, control and give priority to tasks within the organization. The Annual Management Plan contained specific objectives with clearly stated action plans, and formulation of objectives involved staff participation at all levels. Agreement over and understanding of objectives was promoted through conferences between unit managers, discussions concerning Annual Action Plans, and communications among staff of different bureaus. Feedback occurred through the increased responsibility of the deputy directors for the MBO program, and through bi-monthly reports and management conferences.

Impediments to effective management through the use of the MBO were apparent:

- Lack of a system to monitor routine tasks,
- Duplication of effort and imprecise unit roles made possible by absence of unit mission statements,
- Little provision for training in MBO techniques, and
- A tendency to use progress reports on completion of objectives as "score cards" rather than as feedback to implement needed changes.

Finally, while the MBO system was to ensure "that probation services in New York State are carried out efficiently and adequately in accordance with law and the need for community protection," DOP personnel believed that except for the local departments' annual plans, MBO had little or no effect upon provision of local probation services. Until DOP can make a meaningful connection between its internal processes and the fulfillment of its mandate--"to assist local probation departments in providing efficient and cost effective probation services"--the potential for MBO to improve local probation services will be largely unrealized.

Monitoring and Enforcement of Compliance

DOP is required to enforce probation and family court laws, regulate probation department administrative procedures and investigate the performance of any probation bureau or probation office.¹¹ Conformance to DOP standards and rules is required for local departments to receive State reimbursement for "approved expenditures," and the Director of DOP, after consultation with the State Probation Commission, "may authorize or require the comptroller to withhold payment of State aid to any county, or the City of New York, in the event that. . . (there is failure) to conform to standards of probation administration. . . ." ¹²

Regional Consultants

DOP regional consultants are directly involved in monitoring the compliance of local probation departments with division rules and regulations. They review the various

county directors' Annual Compliance Surveys, and determine if progress is being made. Annual Probation Plans are examined to make sure that they reflect deficiencies identified in the compliance surveys and to monitor progress in rectifying them. The regional consultant reviews quarterly reimbursement claims and recommends payment or nonpayment. In addition, the consultants prepare an annual MBO plan for their group of departments and quarterly reports that detail the progress each department is making in achieving its annual probation goals.

When problems of compliance occur, the regional consultants provide technical assistance and/or conduct studies to identify administrative and procedural bottlenecks. On occasion, the consultants provide direct services, such as serving as a temporary director (e.g., Broome County) or providing help when work overload interferes with other local departmental responsibilities.

Field Survey Results

When questioned by LCER about division responsiveness to local department needs, five local directors said the division and consultants were responsive and helpful, while five did not. Complaints included incidents where consultant response was limited to studies with no provision of direct service, general unresponsiveness, limited interaction and nonsharing of division information. In addition, one director indicated that the consultant program should be more heavily stressed since it appeared to be the most important activity of the division.

Seven counties regarded the annual compliance surveys filled out by the director to be useful reviews that could increase compliance. Three others did not find them useful, and criticized the time it took to fill out the forms.

Five county directors stated that they had no objections to the division requirement for an Annual Probation Plan, and found them useful in promoting coordination and integration of tasks within their organizations. Two had no complaint concerning this requirement because they had to draw up plans for their counties anyway. Complaints included views that the document was useful only for DOP monitoring, that the planning exercise was useful but the document was not, and one incident of the plan being turned down, necessitating its resubmission.

Enforcement of Compliance

Authorization to withhold State aid due to a lapse in compliance is contained in Executive Law, Section 246(5). In practice, this power has been used twice. In both cases, there was county appointment of a director who was not qualified under DOP standards. The 1966-67 case established the precedent of denying State aid for only the position involved. In 1979, reimbursement was denied for the director's position in another county, because the director appointed had neither the required credentials nor a place on the Civil Service list. A new qualified director was chosen after lengthy legal discussions involving the NYS Civil Service Commission, and after State and federal court suits were decided in DOP's favor.¹³

The threat of withholding of State aid has been used to control non-compliance to administrative requirements. DOP has notified local departments of its intention to withhold reimbursement for salaries of personnel providing (1) non-mandated services, (2) services not properly within the scope of probation, or (3) those more properly carried out by another agency. Such notifications have been sent by DOP to local directors, county

and court officials, and have proved sufficient to deter the local department from assuming these functions.¹⁴

The withholding of State aid has not been used as leverage to insure compliance to regulations involving intake, investigation or supervision functions. As described in Chapter III, there is widespread non-compliance to personal and collateral contact regulations, especially prevalent in New York City. The immediacy of demands for increased investigation report services by the courts in the counties and City, plus the City's staffing shortage, have an impact upon the provision of long-term supervision services. The division, although empowered to do so, has not attempted to withhold State aid to rectify the non-compliance to supervision standards, but rather, has adhered to the more indirect methods of review and analysis.

Division personnel reply that there are a number of constraints on withholding State aid. DOP suggests that most compliance problems in intake, investigation and supervision are due to lack of resources at the county level, and that further reduction of funding would only add to the problem. Secondly, DOP personnel see technical assistance and analysis as being more productive. Finally, the reimbursement formula is perceived as being limited in flexibility, and at an effective average rate of 32 percent of total local department expenditures, would not provide sufficient leverage to encourage compliance.¹⁵

Management Information System

DOP maintains a management information system (MIS) which provides information, analysis and reports to improve oversight of local probation services, to assist local probation management and to help probation officer performance.

The division formed its present MIS from several federal grants, including the Probation Automated Management Information Systems (PROBAMIS, 1977-1981), the Probation Registrant System (PRS, 1977-1978) and the inter-agency Offender Based Transaction Statistics (OBTS, 1976-1979). These provided DOP with resources for online data entry from terminal sites throughout the State and for centralized MIS staff.¹⁶ Terminal sites are located in Syracuse (16 counties), Albany (34 counties), World Trade Center (five metropolitan area counties), Manhattan (New York and Richmond counties), Kings, Queens and the Bronx.

System Objectives and Accomplishments

PROBAMIS was intended to develop four modules: supervision, investigation, research and statistics. The supervision module was to provide services to probation officers and probation administrators for adult probation supervision cases. The research module was to furnish information on all probation services with initial research on adult probation supervision and rearrest of probationers. The statistics module was to provide data on probation workload for use in management decision making, reporting, planning and public relations. The investigation module was to track investigations assigned but not yet completed as well as to improve research capability.¹⁷

At present, only the supervision module is operating in an automated form. Data are provided by local departments on two forms. One includes identifying characteristics, nature and date of conviction, sentencing information, local probation department and probation officer identification, and a means to remove the case from the computerized

file. The second provides records modification, violation and demographic data. Forty-three management reports, based on these data, are available to local departments and also are used by the division.

The Statistics Module was originally to be converted to a computerized data base. Instead, the monthly workload reports are prepared manually by the local departments, and are tabulated and analyzed manually by the division. The division uses workload data to ascertain local departments' needs for staffing, as well as to identify trends in probation practice. The division expects to eventually computerize this module through the use of a new in-house micro-computer.

System Performance

In LCER interviews with the ten local probation department directors outside of New York City, concerning the manual portion of the MIS, six found the system useful, and four did not. There was general agreement that the system accurately reflected the departmental workload; however, two stated that it was inaccurate.

Responses to LCER inquiries concerning the computerized management reports were mixed, but generally negative. Eight of ten counties found the county list of active probationer cases to be out of date and of limited use, with further complaints concerning paperwork loads. However, the rearrest notices generated from Division of Criminal Justice Services cross referencing to probationer lists generally were considered useful, if occasionally out of date.¹⁸

The ten directors were asked about the other management reports available to them (see Table 15). In general, less than half of the directors reported receiving the reports. Those who did report receiving them cited limitations on their usefulness. Apparently, many local departments were not aware that these reports existed.¹⁹

Table 15

Sample Probation Department Directors' Assessment of Usefulness of Management Reports

<u>Representative Management Reports</u>	<u>Yes, Receive It</u>	<u>No, Don't Receive It</u>	<u>Not Aware That It Exists</u>	<u>If Receive It Is It Useful?</u>	
				<u>Yes</u>	<u>No</u>
Probation Officer Caseload Listing	10	--	--	3	7
Beyond Maximum Expiration Date Listing	9	1	--	6	3
Conviction Charge Code Listing	4	3	3	2	2
Cancelled Case Listing	4	2	4	4	--
Demographics Listing	4	3	3	2	2
Duplicate Case Listing	4	1	5	3	1
Tract Code Listing	1	6	3	1	--
Cancelled Case Statistics	2	3	5	1	1
Transfer Listing	4	2	4	3	1

Source: LCER Field Survey.

To ascertain the reasons for data problems in the division's MIS, LCER staff evaluated its own random sample of probationers drawn from the MIS listing of active adult probationer cases, dated July 2, 1981. Of 247 probationer files drawn outside of New York City, 36 were not under regular supervision by the county.

When a probationer's case is closed, the probation department is supposed to fill out the cancel section of the original entry form, and send it to the terminal site for entry. When a probationer is transferred to another county, the originating county sends the copy of the probationer's original entry form to the new county. The receiving county then fills out and sends in the modification form to the terminal site, registering the transfer.

LCER staff asked the local departments to supply copies of cancellations. As shown by Table 16, they were unable to do so in 41.7 percent of the cases. Thus, it appears that (1) the majority of uncanceled cases on the system are due to insufficient provision of data at the local department level, and (2) data input problems also occur at the terminal sites.

The division does not have complete control over the data available to its system. It depends upon the local departments to send in the needed data forms.

System Limitations and Strengths

DOP's management information system operates under a number of limitations, and therefore cannot completely fulfill its purpose for the division or the local departments:

- Local department disinterest in, or ignorance of the system's process and capabilities;
- Data input problems on both State and county levels; and
- Present inability to produce information for research on basic policy questions, e.g., factors precipitating recidivism or influencing success or failure on probation.

The MIS, however, produces a wide variety of informative statistical reports analyses to aid management of the probation system, and does so with two standardized data forms for the computer, and two standardized manual workload forms.

Intensive Supervision Program

DOP's Intensive Supervision Program (ISP) has three objectives:

- To improve the quality of adult supervision,
- To demonstrate the feasibility of increased use of probation as a sentencing alternative, and
- To demonstrate the potential cost benefits of probation as an alternative to incarceration.²⁰

Two assumptions underlie the ISP: that probation supervision can be effective when the needs of probationers are adequately addressed, and that probation is made more

Table 16

Probationer Cases No Longer Under Supervision
of Ten County Probation Departments
DOP Management Information System
July 2, 1981
(LCER Sample)

County	Total LCER Sample	Number of Cases				
		Not Under Active Supervision in that County	Transferred Out of that County	Supervised Elsewhere or in Jail	Cancelled, But Still Listed as Active	Inactive Cancelled By County
Albany	25	--	--	--	--	--
Dutchess	27	4	1	--	--	3
Herkimer	11	1	1	--	--	--
Lewis	9	1	1	--	--	--
Monroe*	37	8	1	--	5	2
Niagara	22	--	--	--	--	--
Saratoga	17	1	1	--	--	--
Suffolk	68	16	3	3	4	6
Ulster	22	5	1	--	--	4
Wyoming	9	--	--	--	--	--
Total	247	36	9	3	9	15
Percentage of LCER Sample		14.6				
Percentage of Not Active Under Supervision in County		100.0	25.0	8.3	25.0	41.7

*Cases cancelled, but still listed as active due to personnel problem at Syracuse terminal site--forms were submitted, but there was a three month lag time.

Source: LCER Field Survey.

effective when personal and situational factors, which may contribute to the continuation of illegal behavior, are identified and addressed. ISP is an operational demonstration project to test these assumptions for individuals likely to fail to complete their probation sentences.

ISP was funded initially in the 1978 supplemental budget. Initially, twenty-two counties were included with total expenditures as shown in Appendix Table C-2.

ISP Contract Provisions

Each of the participating counties has a contract with DOP which has been approved by the county, DOP, the Attorney General and the State Comptroller. Most significant among the contract provisions are the "maintenance of effort" provisions: "The county agrees that the (State ISP) funds. . .are (to be) utilized to augment and not to supplant current local funding for probation services."²¹

The Risk Assessment Instrument

DOP developed a Risk Assessment Instrument which identifies probationers who are at high risk of failing to complete their probation sentence. Table 3, Chapter II shows the ten risk factors which are numerically weighted to derive a risk rating. DOP evaluated the risk assessment and found that the instrument did generally identify the high risk probationers, but that it was more predictive at the high and low extremes and less so at medium scores.²²

County Compliance with ISP Guidelines

DOP developed guidelines to cover all facets of ISP supervision. These are contained in the division's Operational Guidelines for the Intensive Supervision Program.

Five ISP [DOP] consultants oversee ISP at the local departments and provide technical assistance, training of probation officers, and compliance reporting. Compliance to ISP guidelines is reported quarterly to the program manager on a form designed for that purpose.

As part of LCER's field work, staff reviewed ISP consultant reports for December 1980 through February 1981 to measure the degree of compliance with ISP guidelines. Table 17 shows overall compliance of 21 county programs to ISP guidelines.

ISP compliance levels ranged from a low of 44 percent to a high of 97 percent--depending upon which guidelines were selected for compliance measurement. In the preparation of Behavioral Objectives Plans and Needs Assessment Instruments, participating ISP counties were uniformly above 90 percent of full compliance. In the personal contact, collateral contact, home visit and initial contact requirements, substantial non-compliance occurred. The requirement that newly sentenced ISP probationers be seen within 72 hours of sentencing was met in less than half of the cases. Required home visits were made in 67 percent of cases reviewed. Fifty eight percent of the required collateral contacts and 73 percent of required personal contacts were made by county ISP probation officers.

Table 17

Compliance to ISP Supervision
Rules and Regulations
21 Counties
December 1980 through February 1981

<u>DOP Regulation</u>	<u>Percent of Compliance by 21 Counties^a</u>
Behavioral objectives plan approved by supervising probation officer	97
Behavioral objectives plan reviewed monthly	97
Behavioral objectives plan written	95
Needs assessment instrument prepared	94
Community resource related to assessed needs ^b	86
Community resource utilized ^b	85
Written probation plan prepared within 30 days of sentencing	85
Community contact identified ^b	76
Four monthly personal contacts with probationer	73
Community contact involved in probationer's supervision ^b	67
Home visits	67
Probationer reassessed after six months	63
Four collateral contacts made	58
Behavioral objectives plan revised quarterly	51
Probationer seen by probation officer within 72 hours of sentencing	44

^aExcludes Onondaga county.

^bPermissive guideline.

Source: LCER staff review of ISP quarterly reports, January through March 1981.

The 21 counties averaged 77 percent compliance to the ISP standards. Four counties--Rockland, Kings, Ulster and Dutchess--were lower than 70 percent compliance while no county was as high as 90 percent.

The LCER survey showed greater compliance with ISP supervision guidelines than with regular supervision guidelines--but short of the full compliance expected for the experimental ISP program. ISP program shortcomings were evident with regard to personal, collateral and initial contacts and home visits.

Evaluations of the Intensive Supervision Program

DOP published 1979 and 1980 reports evaluating the ISP. A third DOP evaluation was underway as of December 1981.

The evaluative model used in the 1979, 1980 and 1981 evaluations is the same. It compares the performance of a sample of ISP clients to that of pre-ISP clients, controlling for risk and other socio-demographic factors. Because the comparison groups

are selected from different time frames and based upon somewhat different characteristics, the validity of the comparison must be questioned. These methodological flaws render the findings inconclusive:

- Lack of random assignment of eligible probationers to control and experimental groups resulting in dissimilar comparison groups.
- Case record data not available for all cases.
- Absence of case record data subsequent to transfer or sentence expiration.

Only random assignment of persons eligible for ISP to experimental and control groups would provide a sound methodological basis for testing program assumptions and the extent to which program objectives were achieved. Moreover, longitudinal study would be beneficial, if policy makers wish to learn the effects of program exposure.

Though subject to methodological limitations, the 1980 DOP evaluation data indicate that:

- ISP probationers were successful in completing a sentence of probation more often than regular supervision probationers--especially with high risk score groups.
- Among probationers who committed a new crime while on probation, ISP probationers generally committed less serious crimes than did probationers on regular supervision.
- ISP probationers failing on probation were given harsher sentences than failing non-ISP probationers.
- ISP probationers failed less often for committing a new offense or absconding and more often for revocation than probationers in regular supervision.

The evaluation also identified a prison population of convicted "D" and "E" felons with characteristics and criminal histories very similar to the ISP population. The report suggests that prison overcrowding and spending could be reduced if this population were given ISP probation supervision rather than State prison sentences.

In 1981 DOP broke down the comparison groups to subsamples which include only probationers with risk scores of 48 and higher and at least one prior conviction.²³ In this way, low risk probationers were eliminated from both groups.

After examining the restructured data, the Division of the Budget summarized its evaluation of the ISP program:

Evaluation results from eighteen months of operation are not conclusive. A positive impact on recidivism of high risk probationers has been demonstrated, although lower risk ISP probationers appear to have a higher rate of success with normal supervision ratios. Based upon evaluation statistics, it can be estimated that out of one hundred high risk probationers, sixty-three will successfully complete their terms of probation if placed in the ISP program; if the same group received normal supervision, sixty would succeed.

Table 18

Comparative Success of ISP - Non-ISP Probationers
by Risk Score 48 and Above

	Risk Score Rating*						Total	
	48-58		60-70		72-98		Percent	Number
	Percent	Number	Percent	Number	Percent	Number		
Statewide								
<u>Success</u>								
ISP	68	322	57	186	52	108	61	616
Non ISP	62	127	56	62	44	18	58	207
<u>Failure</u>								
ISP	32	155	43	142	48	101	39	398
Non ISP	38	78	44	49	56	23	42	150
Kings County								
<u>Success</u>								
ISP	60	34	55	22	45	17	54	73
Non ISP	75	30	81	21	50	5	74	56
<u>Failure</u>								
ISP	40	23	45	18	55	21	46	62
Non ISP	25	10	19	5	50	5	26	20
Statewide-Excluding Kings County								
<u>Success</u>								
ISP	69	288	57	164	53	91	62	543
Non ISP	59	97	48	41	42	13	54	151
<u>Failure</u>								
ISP	31	132	43	124	47	80	38	336
Non ISP	41	68	52	44	58	18	46	130

*Risk Score Ratings: Low-0 to 28; Medium-30 to 48; Low High-48 to 58; High-60 and above.

Source: DOP, Intensive Supervision Program.

...Based on its potential, statewide expansion and further evaluation is recommended with continued 100 percent State support of local program supervising felons and 50 percent support for those supervising misdemeanants.²⁴

To further test ISP success/failure rates, LCER requested a breakdown showing success/failure rates for ISP and non-ISP probationers excluding Kings County. Table 18 shows ISP and non-ISP success/failure rates for Upstate, Kings County and the State.

Statewide, ISP probationers succeed more often on probation, averaging three percentage points higher overall. When Kings County is excluded, however, overall ISP performance improves to eight percentage points higher than the non-ISP probationers. These results are reflected in risk intervals shown. In Kings County, non-ISP probationers are reportedly more successful in completing probation terms than ISP probationers at all risk score levels.

This reported greater success of non-ISP probationers in Kings County must be considered against the results of the LCER supervision rules compliance survey reported in Chapter III. That survey found that levels of regular supervision in Kings and Bronx counties were below DOP standards for personal and collateral contacts and also were substantially below the contact levels in the other LCER sample probation counties. Since failure or success is measured by whether or not a probationer completes his probation term, the inadequate level of supervision in Kings County may permit regular (non-ISP) probationers to violate their conditions of probation with impunity.

Conclusion

The results of DOP's evaluations are inconclusive because program participants were not randomly assigned to experimental and control groups. Though flawed, the evaluations suggest that a somewhat larger percentage of ISP participants succeed than the non-ISP comparison group. Finally, though DOP has promulgated high standards for the ISP program, LCER's review indicates some failure of county ISP programs to comply with them.

Chapter Summary

● Total staffing of DOP has decreased over the six year period, 1976-1981, surveyed by 13.3 percent. State purposes funded positions increased by 21.9 percent and federally funded positions decreased by 48.4 percent; the drop in staffing was due to decreased federal funding.

● DOP was successful in securing federal grants which have been transferred to six State funded programs: Volunteer/ Community Resources, Training and Staff Development, Probation Practices Review Office, Information System/Research and Evaluation, systems to conduct local probation department analyses, and the Management by Objectives Program. Federal grant expenditures for these six programs equalled \$2,863,189, or 42 percent of total federal grants to DOP.

● DOP has an operating MBO system that results in increased internal communications, staff participation, coordination, task delineation, priority setting, record keeping and accountability through feedback. Weaknesses in the MBO system include: no clear definitions of responsibility for units to prevent duplication of effort; no provisions for

training in MBO to promote its correct and effective use; progress summation sometimes used only as a "scorecard" rather than as true feedback.

●In general, division personnel believed that MBO had little impact upon their units' provision of services to or interaction with local probation departments. The full potential of MBO may be unrealized until the connection is made between it and the mission of the division.

●DOP procedures to ensure compliance with regulations include technical assistance, analysis and monitoring of department procedures and documents, and withholding of State aid.

●State aid has been withheld in two cases--when appointed directors did not meet DOP standards. Notification of intent to withhold State aid has been used to counter inappropriate non-mandated actions requested of local probation departments. Withholding of State aid has not been used to enforce compliance to DOP regulations concerning intake, investigation or supervision activities.

●DOP's management information system produces 43 reports from the automated data base. However, according to county probation directors, the most useful output from the management information system was the rearrest notices on probationers.

●Local probation directors interviewed by LCER staff, stated that only a few of the available management reports were received by the local departments. Some directors did not know of their existence. Of the reports received by the counties, only a slight majority were found to be useful.

●Data input problems were decreasing the reliability of the MIS management reports. The majority of such problems originated at the county level.

●County compliance was considerably lower than required by ISP guidelines. Average compliance with guidelines ranged from 44 to 97 percent. Required personal contacts were made in only 73 percent of the cases reviewed, while collateral contacts were made in 58 percent of the cases reviewed.

●Flaws in the ISP evaluation design render DOP evaluations of this program inconclusive. Lack of random assignment of probationers to ISP and non-ISP experimental and control groups was the major fault. The evaluation design also did not include long-term outcomes for probationers given ISP supervision.

●DOP data indicate that statewide, ISP probationers succeed slightly more often than non-ISP probationers. However, the Kings County ISP program participants were much less successful than their non-ISP comparison group. Undetected violations of regular (non-ISP) probationers may have contributed to the higher success rate of the non-ISP comparison group in Kings County.

V FINANCING PROBATION

This chapter reviews the role of State aid and other sources of funding in the support of local probation programs. In its March 1981 study of the costs of State assumption of local probation services,¹ DOP estimated total 1981 local probation expenditures of \$86.9 million. Of this total, \$58.2 million (67 percent) was locally funded, \$26.5 million (30 percent) was State funded and the remaining \$2.2 million (three percent) was federally funded. To this should be added \$2.1 in State funded administrative costs bringing the 1981 total estimated probation expenditure to \$89.0 million.

State Aid

Since 1955, the division has administered a State aid program intended to develop and improve probation services within communities and to insure that probation operations are conducted in accordance with an approved probation plan and with prescribed standards.² State aid may reimburse up to 50 percent of a local probation department's approved annual expenditure. The State aid program has these objectives:

- To provide State financial assistance to local governments for probation programming for control and rehabilitation of offenders;
- To provide State leadership and coordination for the development of probation services to combat juvenile delinquency and adult crime;
- To preserve local responsibility for providing probation services while relieving local government of a portion of the responsibility to raise revenues to meet the cost of these services.³

Requirements

To qualify for State aid, each local probation department must submit to DOP: (1) the local director of probation's survey of compliance to State regulations, (2) an Annual Probation Plan, and (3) the local department's approved budget. The self-compliance survey is an itemization of conformance to each DOP standard, rated by level of compliance for each standard. Upon review by the DOP regional consultant and the local department's director, the areas of noncompliance identified by the survey should be designated as priority areas in the Annual Probation Plan. The plan includes objectives for each major probation operation. Regional probation consultants use these documents and the adopted budget for local program oversight during the ensuing year.

Reimbursements

Payment of State aid is based upon documented claims submitted by the local probation departments or by the county/city finance offices. Quarterly reimbursement is made only for approved expenditures including: salaries, travel, training, equipment, supplies and materials, contractual services, and other items specified in the DOP regulations.⁴ Not reimbursable are expenses for capital outlay, debt service, rental of office space, fringe benefits and other items detailed in the regulations.⁵

LCER staff asked the ten directors of probation departments visited for their views on the timeliness of DOP State aid reimbursement. The directors indicated that the State aid reimbursement process was timely and uneventful.

Rate of Reimbursement

For 18 of the first 20 years of the State aid program (1955-56 through 1974-75), reimbursement was at 50 percent of approved expenditures. The reimbursement level, however, has declined since 1975-76 to 41.5 percent in 1980-81. In the 1981-82 fiscal year, the reimbursement rate was increased to 46.5 percent of approved expenditures.

Table 19 compares State aid paid to State aid claimed for the period 1974-75 through 1981-82. Also shown are DOP estimated total State-local probation expenditures (excluding categorical State and federal monies) in 1979-80 and 1981-82.

State aid claims fluctuated over the eight year period while the amount of State aid paid dropped to \$19 million in 1978-79, and then increased to \$25.9 million in 1981-82.

The table also illustrates that, while the reimbursement rate was higher in 1981-82 than it had been in the five previous years, State aid only covered an estimated 32 percent of local department outlays since many local probation department expenditures were nonreimbursable.

Table 19

Total State/Local Expenditures, State Aid
Claimed and State Aid Paid
General Probation Services
1974-75 through 1981-82

Fiscal Year (Calendar Year)	(000's)			Percent	
	Estimated State/Local Expenditures*	State Aid Claims	Gross State Aid Reim- bursement	State Aid* to Aid Claims	to Total
1974-75 (1974)	NA	\$42,715.8	\$21,357.9	50.0	NA
1975-76 (1975)	NA	47,309.7	22,472.1	47.5	NA
1976-77 (1976)	NA	45,410.4	19,299.4	42.5	NA
1977-78 (1977)	NA	46,123.5	19,602.5	42.5	NA
1978-79 (1978)	NA	44,771.1	19,027.7	42.5	NA
1979-80 (1979)	\$70,255.4	45,500.9	19,337.9	42.5	27.5
1980-81 (1980)	NA	50,052.3	20,771.7	41.5	NA
1981-82 (1981)	80,600.3	55,716.3	25,908.1	46.5	32.1

NA=Not Available.

*Excluding: State financed Intensive Supervision Program, other State financed special programs and federally funded programs. Estimate prepared by the Division of Probation.

Source: DOP, Finance Office.

Expenditures and Reimbursement - LCER Sample

At LCER request, each of the ten counties visited prepared a statement of 1980 probation department actual expenditures. Included were expenditures which were not reimbursable, i.e., fringe benefits, the indirect costs of county support services to the probation department, office space rental, and utility expenses. Table 20 presents a summary of the 1980 probation department expenditures by LCER sample county. Also included in the table is the 1980 State aid reimbursement to each county and the percent that reimbursement bears to total costs of the probation operation.

The table shows a wide range of 1980 expenditures, reflecting the different size departments. Fringe benefit costs ranged from a low of 24.3 percent of salaries in Dutchess County to a high of 36.2 percent in Lewis County. The median fringe benefit rate was 31 percent of salary expense. Indirect expenses for contributed county support services ranged from none in two counties to 63 percent of nonpersonal expenditures in Herkimer County. For the eight counties that reported indirect costs, the median was about 34 percent of nonpersonal service expenses. "Other" expenditures for rental, office space and utilities ranged from none reported in five counties to 53 percent of nonpersonal service expense in Suffolk County. The median for the five counties reporting "other" expense was 41 percent of nonpersonal service expense.

State aid as a percent of total probation expenditures ranged from a low of 21.1 percent of expenditures in Lewis County to a high of 32.5 percent in Wyoming County. The median State aid reimbursement was 30.1 percent of total costs--slightly lower than the 32.1 percent 1981-82 average reimbursement shown in Table 19.

Innovative Programs

DOP administers two fully funded categorical State assistance programs and numerous federal grants for innovative programs.

State-Funded

The Intensive Supervision Program (ISP) is operated in 25 counties and New York City (see Table C-2 for ISP county-city expenditures), while the Warrant Liaison Program operates only in New York City. As shown below the State has spent \$9.7 million for these two programs over their four-year lives:

<u>Fiscal Year</u>	<u>ISP</u>	<u>Warrant Liaison</u>	<u>Total</u>
1978-79	\$ 616,576	\$ 4,048	\$ 620,624
1979-80	2,867,357	159,974	3,027,331
1980-81	2,616,997	166,559	2,783,556
1981-82	<u>3,121,077*</u>	<u>142,193*</u>	<u>3,263,270*</u>
Total	\$9,222,007	\$472,774	\$9,694,781

*Estimated.

Other State assistance programs, not under DOP administration, provide monies to local probation departments. Four Division of Criminal Justice Services programs allocated an estimated \$2.6 million in 1981:

Table 20

1980 Probation Expenditures
by County, by Object - 1980 Calendar Year
General State Aid Included
Categorical State and Federal Money Excluded

Object of Expenditure	Large				Medium			Small		
	Albany	Dutchess	Monroe	Suffolk	Niagara	Saratoga	Ulster	Lewis	Herkimer	Wyoming
Salaries	\$ 802,710	\$514,921	\$2,040,292	\$5,545,257	\$534,176	\$138,736	\$242,951	\$ 77,655	\$ 79,402	\$44,168
Fringe Benefits	240,813	125,126	644,243	1,470,922	165,650	43,000	80,174	28,142	26,197	13,250
Training	--	--	--	--	489	--	--	--	--	--
Equipment	4,385	6,435	9,614	13,122	2,518	750	--	1,000	889	1,042
Travel	15,694	13,221	27,928	246,477	9,569	4,933	6,548	11,000	2,814	5,575
Supplies &										
Materials	9,325	2,316	8,860	96,661	2,658	1,254	11,883	2,300	873	899
Contractual	70,906	1,402	128,749	--	27,210	10,376	--	5,250	2,460	3,436
Indirect	41,090	48,917	17,762	227,856	--	21,000	68,026	7,724	12,101	--
Other	19,926	50,884	133,002	649,504	--	--	42,131	--	--	--
Subtotal, Non-Personnel	(161,326)	(123,175)	(325,915)	(1,233,620)	(42,444)	(38,313)	(128,588)	(27,274)	(19,137)	(10,952)
Total	\$1,204,849	\$763,222	\$3,010,450	\$8,249,799	\$742,270	\$220,049	\$451,713	\$133,071	\$124,736	\$68,370
State Aid	\$ 325,215	\$230,232	\$ 914,154	\$2,483,423	\$233,901	\$ 67,324	\$108,366	\$ 28,111	\$ 35,785	\$22,251
State Aid as Percent of Total	27.0	30.2	30.4	30.1	31.5	30.6	24.0	21.1	28.7	32.5

Source: L CER data request of sample counties.

<u>Program</u>	<u>Amount</u>	<u>Recipients</u>
Felony Drug	\$1,174,684	Seven Counties and New York City
Major Violent Offense Trial	693,799	Five Counties and New York City
Emergency Felony Case Processing	595,024	New York City
Specialized Narcotics	<u>91,030</u>	New York City
Total	\$2,554,537	

Federally Funded

Appendix Table C-3 details DOP expenditures of federal monies by title of grant for the 1975-76 through 1980-81 period. Over \$6.8 million in federal grant funds were spent over the five years. As discussed in Chapter IV, the use of these monies enabled the division to:

- Develop and implement its management information system,
- Start up the training academy,
- Undertake several research and evaluation endeavors, and
- Initially fund the Practices Review function.

A recapitulation of funds presented in Appendix Table C-3 shows this five year allocation of the federal funds:

<u>Program</u>	<u>1976-77 to 1980-81 Expenditures</u>	<u>Percent of Total</u>
Information System/Research and Evaluation	\$1,621,779	23.7
Adjudicated Delinquency Restitution	1,336,525	19.5
Juvenile Justice Unit	572,175	8.4
Training	542,166	7.9
Mutual Objectives	320,553	4.7
Program Analyses and Review	314,143	4.6
Improved Correctional Field Services	279,963	4.1
Youth Employment	219,485	3.2
Probation Alcohol Treatment Demonstration	194,386	2.8
Community Probation	153,527	2.2
Community Resource Identification and Management	114,270	1.7
Volunteer Program	93,164	1.4
Probation Practices Review	90,929	1.3
Performance Evaluation	56,903	0.8
All Other	<u>931,858</u>	<u>13.6</u>
Total	\$6,841,826	99.9

Management information system, adjudicated delinquency restitution, juvenile justice and training constitute 59.5 percent of the \$6.8 million total.

State Administration

State Purposes expenditures to operate the division increased from \$1.1 million in 1976-77 to \$2.1 million in 1980-81--a 90.4 percent growth. As mentioned in Chapter IV, the DOP professional staff increased substantially during this period due to (1) the initiation of the Intensive Supervision Program and (2) State assumption of programs started and/or developed under federal grants. Table 21 shows DOP expenditure by function from 1976-77 through 1980-81.

ISP startup resulted in the addition of 14 professional staff, initially funded under the administration program in 1978-79. Also shown in the administration program is the increased State Purposes funding of previously federally financed activities: Training academy (1978-79), management information system (1979-80), and probation practices review (1980-81). Local probation services increments resulted from the transfer of a deputy director, the ISP and the training functions to this program (1979-80), and the State pickup of the formerly federally funded Volunteer Community Resources Project. Not reflected on the table is the 1981-82 phaseout of the Direct Services Program in Montgomery, Fulton and Warren counties. As shown in Table 14 in Chapter IV, the closing of this program resulted in the termination or transfer of 16 professional and five clerical positions.

State Reimbursement of Probation Services

The State probation reimbursement provides financial assistance to local governments for probation programming. However, program improvements often are determined by the availability of local funding.

Since the reimbursement is for monies already spent by the local department, State aid provides little impetus for "qualitative development of probation services." First, the State reimbursement is relatively small, representing from 21 percent to 33 percent of total probation department outlays in the LCER sample. Second, though statute authorizes the denial of State aid when local departments do not meet DOP standards and rules, the threat of loss of State aid is minimal. DOP has cut off State aid when expenses have been claimed for nonreimbursable items or when unqualified persons have been appointed to probation department positions. However, DOP has not attempted to deny or reduce State aid when intake, supervision, or investigative programs were found to be below standards. To do so, DOP officials believe, would be counterproductive, since the objective of State aid is improvement of probation services. DOP officials would rather provide technical and management assistance to local probation administrators to improve services.

The State aid reimbursement is broad based, i.e., it covers all approved probation department expenses, whether for intake, investigation or supervision functions. Thus the reimbursement permits local governments to decide the relative priority of probation investigation or supervision. LCER staff found that five departments visited transferred POs from supervision to investigation when investigative backlogs developed. Furthermore, DOP workload analyses indicate that investigation units generally are more adequately staffed than supervision units and virtually all departments failed to meet DOP supervision standards. The reimbursement provides no incentive for the improvement of probation supervision.

Table 21

State Purposes Expenditures by Function,
State Division of Probation
1976-77 through 1980-81

Function	Fiscal Year ^a					Percent Increase (Decrease)
	1976-77	1977-78	1978-79	1979-80	1980-81	1976-77 - 1980-81
<u>Administration</u>						
Executive Direction	\$ 69,069	\$ 96,963	\$162,947	\$110,352	\$121,611	76.1
Administrative Direction	--	1,414	2,480	--	54,767	--
Counsel	37,592	40,436	40,670	45,307	49,050	30.5
Personnel Management	31,763	36,167	38,671	53,557	32,632	2.7
Financial Management	83,404	84,358	85,986	135,516	106,707	27.9
Training Academy	27,470	45,127	153,194	29,762	--	--
Research and Planning	141,811	149,097	168,847	59	171	b
Public Information	--	12,219	25,179	42,066	--	--
Management Analysis and Information System	--	--	--	28,095	124,550	--
Intensive Supervision	--	--	164,161	40	--	--
Program Development	--	--	--	81,506	109,199	--
Probation Practice Review	--	--	--	--	46,147	--
Special Services	--	--	--	--	34,322	--
Undistributed	12,938	16,959	24,697	16,231	94,371	629.4
Subtotal	\$404,047	\$482,740	\$866,832	\$542,491	\$773,527	91.4
<u>Local Probation Service</u>						
Direction	1,160	190	--	57,699	70,542	b
Improve Local Probation Administration	332,089	367,776	422,015	252	(57)	--
Professional Local Probation Personnel	757	--	--	--	--	--
Field Operations						
Albany	--	--	--	119,147	128,362	--
New York City	--	--	33	137,369	153,996	--
Syracuse	--	--	--	95,939	101,908	--
Buffalo	--	--	--	74,975	94,982	--
Volunteer Community Resources	--	--	--	10,648	7,715	--
Training Staff Development	--	--	--	162,970	182,696	--
Intensive Supervision	--	--	--	193,746	215,331	--
Undistributed	--	--	14,587	7,432	4,693	--
Subtotal	\$334,006	\$367,966	\$436,635	\$860,177	\$960,168	187.5
<u>Direct Probation Services</u>						
Direction	--	--	--	96,682	53,378 ^c	--
Warren County	57,282	62,494	42,004	138,157	102,553 ^c	79.0
Fulton County	104,405	113,790	117,465	173,014	181,403 ^c	(41.4)
Montgomery County	205,223	213,711	214,486			
Intensive Supervision	--	--	--	33,164	33,136 ^c	--
Undistributed	263	(43)	55	--	--	--
Subtotal	\$ 367,173	\$ 389,952	\$ 374,010	\$ 441,017	\$ 370,470 ^c	0.1
Total	\$1,105,226	\$1,240,658	\$1,677,477	\$1,843,685	\$2,104,165	90.4

^aExpenditures from appropriation accounts as of September when books are closed.

^bIncrease (decrease) not meaningful.

^cNine months of 1980-81 fiscal year; program ended December 31, 1980.

Source: DOP, Finance Office.

Target population data presented in Chapter II illustrate geographical differences in judicial sentencing to probation. The extent to which these variations in sentencing may be attributable to the inability of probation departments to meet State supervision standards is not known. It has been asserted that probation could effectively supervise persons now incarcerated for D and E felonies, but supervision services reviewed by this program audit were deficient when measured by State DOP standards.

Finally, the Division of Probation has used available federal monies to improve probation services. While DOP State Purposes funding totalled \$8 million during 1976-77 through 1980-81, the DOP raised and spent an additional \$6.8 million in federal funds during this period. These federal monies have financed a wide variety of programs--including training and the development of DOP's management information system.

Chapter Summary

● In 1981, the State Division of Probation and the local departments of probation expended an estimated \$89.0 million for probation services. Of this total, \$58.2 million was locally funded; \$28.6 million was State funded; and \$2.2 million was federally funded.

● In the ten counties the proportion of 1980 probation expenditures funded through State aid ranged from 21.1 percent in Lewis to 32.5 percent in Wyoming. The range of expenditures reimbursed reflects the variation in fringe benefits and indirect costs not eligible for reimbursement in the State aid formula.

● DOP expended \$6.8 million in federal grants from 1976-77 to 1980-81. Grants for the Management Analysis and Information System, the Adjudicated Delinquency Restitution, Juvenile Justice and training programs constituted 59.5 percent of those expenditures.

● The State aid formula for probation as administered provided little impetus for "qualitative development of probation services." State aid was a relatively small proportion of local expenditures and was broad based. Although statute authorizes the withholding of State aid reimbursement to encourage local department compliance with supervision standards, DOP had not done this.

FOOTNOTES

I Introduction

1. Henry Campbell Black, Black's Law Dictionary (St. Paul, Minnesota: West Publishing Co., 1979), "Probation."
2. Howard Abadinsky, Probation and Parole: Theory and Practice (Englewood Cliffs: Prentice Hall, Inc., 1977), pp. 22-24.
3. Chapter 372, Laws of 1901.
4. Chapter 714, Laws of 1905.
5. Chapter 430, Laws of 1907.
6. Chapter 606, Laws of 1926.
7. Chapter 313, Laws of 1928.
8. Chapter 602, Laws of 1955.
9. Ibid.
10. Chapter 479, Laws of 1970 and Executive Law, Sections 240ff.
11. Memorandum of State Executive Department, pp. 2947-48, McKinney's 1970 Session Laws of New York.
12. Letter to Governor from State Probation Commission, April 3, 1970.
13. Letter to Governor from Judicial Conference of the State of New York, April 28, 1970.
14. Executive Law, Section 243.
15. Three members are appointed by the Governor from persons who have demonstrated an interest and involvement in the field of probation; two members are appointed from probation administrators and officers employed in the State, the State administrator of the unified court system and the State Director of Probation.
16. N. 14.
17. 9 NYCRR 345-356.
18. N. 14.
19. Executive Law, Section 246.
20. Ibid. and 9 NYCRR 360.3f.
21. Executive Law, Section 246(5).
22. Ibid., Section 243.
23. Ibid., Section 247.
24. Ibid., Section 243.
25. Executive Law, Sections 255, 256.
26. Ibid., Section 257; 9 NYCRR 347.9(f).
27. Family Court Act, Section 252.
28. 22 NYCRR 2501-2510.
29. Family Court Act, Section 252(d).
30. Letter to Putnam County Department of Law, from DOP, General Counsel, August 5, 1981.
31. Criminal Procedure Law, Section 410.10.
32. Ibid., Section 410.20, 410.90.
33. Ibid., Section 410.10(2), 410.70(5).
34. Ibid., Section 410.30.
35. Ibid., Section 410.40(1).

II Target Population and Sentencing to Probation

1. Penal Law, Section 10.00(3).
2. Letter and attachments to LCER staff from DOP, Chief, Research and Evaluation, August 20, 1981.
3. Youthful Offender status is also available for misdemeanor convictions.

4. Statewide, pending felony indictments were reduced from 51 percent of indictments in summer 1976 to 42 percent in 1980; felony indictments pending more than nine months were reduced from 18 percent of all indictments in summer 1976 to seven percent in 1980. See: Office of Court Administration, Annual Reports of the Chief Administrator of the Court 1979, 1980, 1981.
5. The Division of Criminal Justice Services, Semi Annual Report on Violent Felony and Juvenile Offenses in New York State (Albany: The Division of Criminal Justice Services, February 1, 1981) shows these comparisons:

	<u>New York City</u>	<u>Suburban New York City</u>	<u>Upstate</u>
<u>Violent Felony Offenses</u>			
As a percent of Felony Arrests	36.8	27.9	25.5
As a percent of Felony Indictments	52.7	28.7	21.7
<u>Distribution of Gun Law Arrests</u>	89.0	4.7	6.3

III Local Probation Services

1. NYS Senate Research Service, Family Court... The System That Fails All (Albany: The Service, May 1979).
2. 9 NYCRR 354.4(h).
3. 9 NYCRR 350.4(l)(v).
4. Criminal Procedure Law, Section 390.20.
5. 9 NYCRR 351.4(c).
6. 9 NYCRR 348.4(a, e).
7. LCER staff interview with DOP, Deputy Director for Field Operations, October 30, 1981.
8. 9 NYCRR 351.4(c)(l).
9. LCER staff interview with DOP, Deputy Director for Field Operations, October 30, 1981.
10. 9 NYCRR 351.4(e).
11. New York City Department of Probation, Summary, Statistical Data, July 1, 1976--May 30, 1981 and New York Times, August 3, 1981, p. 1.
12. Testimony of Thomas L. Jacobs to New York State Assembly, Codes Committee, Public Hearing October 13, 1981.
13. LCER staff interviews with Deputy Commissioner for Adult Court Services, Deputy Commissioner for Special Projects and Training, Assistant Commissioner of Planning and Operations Division, and Executive Assistant, Operations Liaison, New York City Department of Probation, November 10, 1981.
14. "Judge Assails City Agency on its Presentence Reports," New York Times, October 14, 1981, p B-1; "Justice Aides in Dispute over Lag in Sentencing," New York Times October 3, 1981, New York State Assembly, Committee on Codes, "Public Hearing on Probation Services in New York City and its Statewide Implications: October 13, 1981--Testimony presented by several New York City judges.
15. DOP, Report on Pre-sentence Investigation Reports, (Albany: The Division, May 1981).
16. LCER Compliance Survey, "Declaration of Disclaimer," June 9, 1981.
17. New York City Department of Probation, Differential Supervision Program, June, 1981.

18. LCER staff Interview with Chief of Planning Group, New York City Department of Probation, November 9, 1981.
19. LCER staff interviews with Deputy Commissioner for Adult Court Services and others, November 10, 1981

IV State Program Administration

1. Siegel, Alan, Management by Objectives: Guidelines for Managerial Decision Making (Washington D.C.: U.S. Civil Service Commission: Personnel Research and Development Center, March 1968), pp. 1-2.
2. DOP, Annual Summary Report, 1980-81 (Albany: the Division, 1980).
3. Ibid.
4. General Administrative Manual definitions:
Goal - a broad and general statement responsive to the division's mission.
Objective - a statement which identifies the target group/area, states the result, is measureable/quantifiable and projects when result will occur.
Activities - the specific step with completion date to indicate the status in moving toward attainment of an objective.
5. LCER staff interviews with DOP unit managers, July 28, 29, August 3, 1981.
6. Ibid.
7. LCER staff interviews with DOP Deputy Directors, July 29, 1981.
8. Manager Data Analysis/Objectives Development Unit Memo, March 6, 1981 to Executive Committee on MBO Package.
9. Ibid.
10. Ibid.
11. Executive Law, Sections 243-248.
12. Ibid., Section 246(5).
13. LCER staff interviews with DOP Deputy Director for Field Operations, Probation Program Administrator, Counsel, November 16, 1981.
14. Ibid.
15. Ibid.
16. James E. Creighton, Probation Automated Management Information System, Final Report (Albany: Division of Probation, January 28, 1981) pp. 2-6.
17. Ibid.
18. LCER staff interviews with county directors of probation, July 1981.
19. LCER staff interviews with county directors of probation, September 1981.
20. DOP, Budget Request for Fiscal Year 1981-82.
21. DOP, County Contracts on File in Counsel's Office.
22. DOP, Intensive Supervision Program, Evaluators Reports 1 and 2, May 1, 1979 and November 16, 1979.
23. LCER staff interview with Intensive Supervision Program Manager.
24. NYS, Executive Budget, fiscal year 1981-82.

V Financing Probation

1. DOP, A 1981 Report on Issues Relating to the Assumption of Local Probation Services and Current Costs for Probation Services, (Albany: The Division, March 1981), pp. 7-8.
2. 9 NYCRR Section 360.2.
3. Ibid., Section 360.1.
4. Ibid., Section 360.3(e).
5. Ibid., Section 360.3(f).

APPENDIX A
INTERVIEWS AND CONTACTS

New York State Agencies

Division of the Budget

Management Services Unit - Associate Budget Examiner, Senior Budget Examiner.

Public Protection Unit - Budget Fellow IV, Trainee.

Division of Criminal Justice Services - Research Unit, Director and Staff.

Department of Correctional Services - Bureau of Statistics and Research, Director.

Division of Probation

State Director of Probation, Deputy Director for Administration, Deputy Director of Field Operations, Probation Program Administrator.

Office of Legal Affairs - General Counsel.

Office of Inspector General - Inspector General.

Finance Unit - Finance Officer.

Management Information System Unit - Chief, Management Information Systems (2), Associate Computer Program Analyst.

Juvenile Justice Unit - Probation Program Administrator, Probation Program Consultant.

Data Analysis/Objective Development Unit - Supervisor.

Planning/Program Development Unit - Chief.

Research and Evaluation Unit - Associate Probation Program Analyst.

Statewide Probation Training Academy - Probation Training Director.

Intensive Supervision Program - Project Manager.

Regional Offices - Eastern: Probation Program Administrator, Probation Program Consultant; Western: Probation Program Administrator, Probation Program Consultant; Metropolitan: Probation Program Administrator, Probation Program Consultant (2).

Local Government Agencies

LCER Sample Counties

Albany County - Probation Director, Deputy Director of Probation, Probation Supervisor (3), Senior Probation Officer.

Dutchess County - Probation Director, Deputy Director of Probation and Director of Finance; Probation Supervisor (3).

Herkimer County - Probation Director.

Lewis County - Probation Director.

Monroe County - Probation Director, Deputy Director of Probation.

Niagara County - Probation Director.

Saratoga County - Probation Director, Probation Supervisor (2).

Suffolk County - Probation Director, Deputy Director for Administration, Deputy Director for Criminal Court, Deputy Director for Family Court.

Ulster County - Probation Director, Probation Supervisor (2).

Wyoming County - Probation Director.

New York City Probation Department

Administration - Commissioner; Deputy Commissioner for Adult Court Services; Deputy Commissioner for Administrative Services; Deputy Commissioner for Planning; Deputy Commissioner for Family Court Services; Deputy Commissioner for Management Services and Analysis; Assistant to the Commissioner for Operational Analysis; Assistant Commissioner, Planning and Operations Division; Executive Assistant to Deputy Commissioner for Special Projects and Training; Executive Assistant to Deputy Commissioner for Family and Adult Court Services; Assistant Commissioner for Administrative Services and Chief of Budget; Chief of Planning Group; Staff Analyst, Division of Planning; Executive Assistant.

Bronx County - Assistant Commissioner, Branch Chief (2), Probation Supervisor.

Kings County - Assistant Commissioner; Administrative Assistant; Branch Chief (3); Chief, Intensive Supervision Program; Supervising Probation Officer; Probation Officer.

APPENDIX B

AUDIT METHODOLOGY

LCER staff selected ten counties and New York City for field visits. As Table B-1 indicates, the sample represents the range of departments from New York City and four large urban counties to three small rural counties. Six of the 11 departments participated in the Intensive Supervision Program (ISP).

Probation Compliance Survey Sample

Using a July 2, 1981 listing of probationers provided by DOP from the Probation Registrant System, LCER staff selected 377 probationers from the ten counties and New York City proportionate to the number of probationers each department supervised during 1980. This sample number is statistically significant at the .05 confidence level. However, because 48 of the sampled probationers had been transferred or discharged, and because of inadequate case record management, the compliance survey results cannot be stated with statistical confidence levels. An additional 84 records were selected in six upstate counties to supplement the randomly selected sample. All references to the compliance survey include both the random sample and the upstate oversample. The survey tested the departments' compliance with selected DOP case record management, investigation, and supervision regulations.

Sample Counties Field Work

LCER staff visited the ten sample counties and New York City between July and October 1981. A data request asking for 1980 expenditure data and information on several aspects of the department's operations was mailed prior to the field visit. During the field visit, LCER staff interviewed the probation director about the operations of the department and its relationship with DOP. Staff responsible for finances for intake/diversion, investigation and supervision functions were interviewed as necessary. Also completed during the visit was the probation rules compliance survey. Subsequent to field work, LCER staff conducted telephone interviews to supplement the field visit interviews.

Judge's Survey

Using a list prepared by the Office of Court Administration, LCER staff mailed a survey in October 1981 to all judges in the ten sample counties and New York City who have regular contact with the probation department. The survey items asked for the judge's views on the use of probation and his perceptions of the quality of the intake, investigation, and supervision services provided by the local department of probation.

LCER obtained a response rate of 40.5 percent (283 of 698 surveys mailed). The response rate was about the same in New York City (38.0 percent) and the ten upstate counties (41.9 percent). Response rates by type of court varied from 32.8 percent for the Family Court to 47.8 percent for the county courts.

Table B-1

LCER Sample Counties and New York City Probation Department

<u>Department</u>	<u>Case Bearing Staff 1981</u>	<u>Salary of Director 1981</u>	<u>Cases Supervised 1980</u>	<u>Total Probation Expenditures- 1979</u>	<u>Cases Supervised per case Bearing Staff</u>	<u>Participates in I. S. P. Program</u>
New York City	543	\$52,229	22,235	\$28,879,980	40.94	Yes
Suffolk	182	48,105	3,826	8,888,725	21.02	Yes
Monroe	75	38,751	1,833	3,540,929	24.44	Yes
Albany	31	23,112	1,265	1,156,912	40.81	Yes
Dutchess	21	32,967	778	712,690	37.05	Yes
Niagara	19	26,010	551	747,073	29.00	No
Ulster	13	25,000	319	462,729	24.54	Yes
Saratoga	8	20,450	335	213,379	41.88	No
Herkimer	5	16,293	114	148,477	22.80	No
Lewis	4	19,624	87	110,378	21.75	No
Wyoming	4	16,650	145	60,203	36.25	No

APPENDIX C

STATISTICAL TABLES

Table C-1

Sentences for Convictions of Felony Indictments by Type of Sentence and Area of State

	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
<u>Statewide (N)^a</u>	(26,204)	(25,752)	(24,881)	(24,724)	(25,188)	(30,305)
Probation	34.0%	31.1%	32.5%	31.1%	30.6%	28.7%
Probation/Jail	4.5	6.4	6.5	8.0	8.4	8.5
Jail	13.7	14.9	16.4	16.3	16.7	18.1
Prison ^b	37.4	38.7	36.7	37.9	39.0	40.6
Other ^b	<u>10.3</u>	<u>8.9</u>	<u>8.0</u>	<u>6.7</u>	<u>5.3</u>	<u>4.1</u>
Total	99.9%	100.0%	100.0%	100.0%	100.0%	100.0%
<u>NYC (N)^a</u>	(13,052)	(12,450)	(12,082)	(11,682)	(12,654)	(16,462)
Probation	30.0%	25.4%	26.1%	25.9%	26.5%	25.1%
Probation/Jail	1.7	3.1	3.8	4.2	4.3	4.9
Jail	11.6	12.9	14.6	13.9	14.2	16.5
Prison ^b	48.6	52.1	48.1	50.2	50.9	50.6
Other ^b	<u>8.1</u>	<u>6.4</u>	<u>7.4</u>	<u>5.7</u>	<u>4.1</u>	<u>2.9</u>
Total	100.0%	99.9%	100.0%	100.0%	100.0%	100.0%
<u>Suburban NYC (N)^{a,c}</u>	(4,904)	(4,855)	(4,563)	(4,441)	(4,190)	(5,539)
Probation	36.8%	30.5%	33.8%	32.3%	27.9%	28.4%
Probation/Jail	8.8	11.9	10.9	15.2	15.1	14.8
Jail	15.8	17.7	18.5	20.6	22.1	20.8
Prison ^b	26.6	29.4	29.6	27.4	31.6	32.6
Other ^b	<u>12.0</u>	<u>10.5</u>	<u>7.2</u>	<u>4.5</u>	<u>3.3</u>	<u>3.3</u>
Total	100.0%	100.0%	100.0%	100.0%	100.0%	99.9%
<u>Upstate (N)^a</u>	(8,233)	(8,417)	(8,197)	(8,550)	(8,247)	(8,415)
Probation	38.8%	39.9%	41.0%	37.8%	38.3%	35.7%
Probation/Jail	6.4	8.1	8.0	9.4	11.4	11.7
Jail	15.9	16.2	17.9	17.4	17.9	19.6
Prison ^b	26.2	24.3	23.9	26.5	24.9	26.4
Other ^b	<u>12.8</u>	<u>11.4</u>	<u>9.2</u>	<u>9.0</u>	<u>7.6</u>	<u>6.5</u>
Total	100.0%	99.9%	100.0%	100.1%	100.1%	99.9%

^aRegional totals (N) may not add to statewide total (N) because convictions resulting in indictments by special prosecutor are included in statewide but not regional totals.

^bUnconditional discharge, conditional discharge, DACC commitment, and other unsupervised sentence.

^cNassau, Rockland, Suffolk and Westchester counties.

Source: LCER staff from DCJS, New York State Felony Processing Reports, 1976-1980.

Table C-2

Intensive Supervision Program
Local Assistance Expenditures by Fiscal Year

<u>Department</u>	<u>1978-79^a</u>	<u>1979-80</u>	<u>1980-81</u>	<u>1981-82^b</u>	<u>Total</u>
Albany	\$ 25,308.30	\$ 95,784.55	\$ 70,983.47	\$ 77,679.00	\$ 269,755.32
Broome	14,473.69	35,605.58	35,952.13	43,303.72	129,335.12
Chautauqua	12,385.27	32,126.02	34,437.73	42,512.62	121,461.64
Chemung	15,140.13	46,248.68	46,887.55	52,407.89	160,684.25
Clinton	--	--	--	16,504.00	16,504.00
Dutchess	22,715.98	63,944.60	57,216.30	53,202.00	197,078.88
Erie	9,889.34	190,992.75	186,169.67	213,148.32	600,200.08
Genesee	--	--	--	20,516.48	20,516.48
Jefferson	8,367.78	21,038.82	20,808.35	27,607.84	77,822.79
Monroe	77,237.58	201,479.45	190,131.67	205,654.00	674,502.70
Nassau	87,788.38	435,670.87	394,440.31	425,024.00	1,342,923.56
New York City	101,389.41	758,192.14	672,904.27	925,682.00	2,458,167.82
Oneida	12,018.31	40,599.95	33,200.54	49,002.48	134,821.28
Onondaga	63,329.87	163,647.77	158,267.54	166,104.00	551,349.18
Ontario	12,693.47	41,932.02	37,761.43	26,711.81	119,098.73
Orange	16,392.60	48,072.74	38,711.01	47,957.00	151,133.35
Oswego	7,821.03	18,597.73	15,341.45	25,410.85	67,171.06
Rensselaer	12,560.58	32,317.28	26,512.27	18,016.10	89,406.23
Rockland	18,820.95	53,753.71	52,102.57	64,254.48	188,931.71
St. Lawrence	--	--	--	20,317.00	20,317.00
Schenectady	10,208.51	37,142.19	30,752.95	21,338.55	99,442.20
Steuben	7,079.61	42,425.00	20,956.70	25,600.00	96,061.31
Sullivan	--	--	--	14,748.00	14,748.00
Suffolk	45,264.77	255,841.29	251,507.48	279,951.00	832,564.54
Ulster	8,515.97	32,006.32	33,005.38	20,689.03	94,216.70
Westchester	27,174.51	219,937.07	208,945.90	237,735.00	693,792.48
Total	\$616,576.04	\$2,867,356.53	\$2,616,996.67	\$3,121,077.17	\$9,222,006.41

^aExpenditures are for 1-5 month periods depending upon when individual departments' programs become operational.

^bProjected expenditures--contract amounts for fiscal year 1981-82.

Source: DOP, Intensive Supervision Program Manager.

Table C-3

DOP Expenditures of Federal Funds by Type of
Grant, Chronologically Listed 1976-77 through 1980-81

<u>Pre 1975 Grants</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81</u>	<u>Five Year Total</u>
Supervision and Support of Local Probation	\$ 416	--	--	--	--	\$ 416
Urban Program Development	1,523	--	--	--	--	1,523
Program Analysis and Review	1,358	\$ (299)	--	--	--	1,059
Probation Practices	6,436	--	--	--	--	6,436
Implementation Team	43,617	--	--	--	--	43,617
Statewide Probation Training Center	139,499	7	--	--	--	139,506
Support and Collection Center	13,588	--	--	--	--	13,588
Mutual Objectives Probation	43,361	--	--	--	--	43,361
Subtotal	\$ 249,798	\$ (292)	--	--	--	\$ 249,506
<u>1975 Grants</u>						
Statewide Probation Volunteer Program	34,453	--	--	--	--	34,453
Probation Examina- tion Method	145,260	38,725	--	12,204	--	196,189
In Depth Study, New York City Probation	--	49,994	--	--	--	49,994
Mutual Objectives Program II	--	--	--	--	\$ 18,845	18,845
Statewide Training Center II	--	--	\$ 10,120	--	16,653	26,773
Performance Evaluation	14,908	7,699	1,928	(571)	--	23,964
Intensive Evaluation	40,462	23,239	9,422	--	--	73,123
State Volunteer Coordinator Unit II	10,142	2,482	(812)	2,376	--	14,188
Offender Based Transactions Program	32,938	30,356	--	(384)	--	62,910
Enhancement State/ Local Planning	81,772	6,234	--	5,601	--	93,607
CETA-Warren County	5,318	1,906	--	--	--	7,224
CETA-Montgomery County	3,947	1,582	--	--	--	5,529
CETA-Warren County	6,013	2,500	--	--	--	8,513
Subtotal	\$ 375,213	\$ 164,717	\$ 20,658	\$ 19,226	\$ 35,498	\$ 615,312
<u>1976 Grants</u>						
Management Analysis Team	62,457	--	--	--	--	62,457
Comprehensive Community Probation	54,004	(77)	--	--	--	53,927
Probation Analysis Review II	171,290	49,763	24,364	--	--	245,417
Probation Practices Review II	88,470	146	2,313	--	--	90,929
Probation Registrant System	96,614	35,353	8,363	--	--	140,330
Probation Training Center	152,228	127,855	1,686	--	116	281,885
Program Analysis and Review	--	52,633	15,034	--	--	67,667
Probation Testing and Implementation	32,327	(354)	1,138	--	--	33,111
Mutual Objectives Probation Program	23,376	25,651	--	--	--	49,027
Management Analysis Team II	78,675	1,929	3,142	--	--	83,746
State Volunteer Coordination Unit II	33,692	953	306	--	--	34,951
Intensive Evaluation	--	5,117	1,412	--	--	6,529
Comprehensive Community Probation	71,329	711	2,918	--	--	74,958

Table C-3 (cont.)

<u>1976 Grants</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81</u>	<u>Five Year Total</u>
Management Analysis Team II	--	--	45,658	--	--	45,658
Offender Based Transactions Statistics	19,456	105,605	29,105	--	--	154,166
Title IVD Child Support Enforcement	<u>4,363</u>	<u>1,670</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>6,033</u>
Subtotal	\$ 888,281	\$ 406,955	\$135,439	--	\$ 116	\$1,430,791
<u>1977 Grants</u>						
Mutual Objectives Program II	--	--	819	--	1,493	2,312
Comprehensive Community Probation	--	19,160	5,482	--	--	24,642
Management Analysis Team II	--	47,325	13,130	--	--	60,455
Community Resource ID and Management	--	51,503	(1,975)	--	--	49,528
Performance Evaluation Grant	--	15,941	12,704	853	--	29,498
Statewide Training Academy IV	--	--	36,029	(1,379)	11,751	46,401
Intensive Evaluation Grant	--	--	7,216	--	--	7,216
Management Analysis Team II State Volunteer	17,221	17,764	(34,985)	--	--	--
Coordinator Unit III Intensive Evaluation	--	7,614	1,958	--	--	9,572
Statewide Training Academy IV	--	20,821	6,866	--	--	27,687
Intensive Evaluation of Juvenile Diversion	--	62,491	(15,794)	52	852	47,601
Title IVD Child Support Enforcement	--	--	32,071	2,951	--	35,022
CETA-Warren County WIN-Public Service Employment	14,263	25,294	--	--	--	39,557
WIN-Public Service Employment	2,573	5,731	3,337	--	--	11,641
WIN-Public Service Employment	8,491	8,327	2,631	--	--	19,449
WIN-Public Service Employment	2,545	2,182	960	--	--	5,687
WIN-Public Service Employment	<u>--</u>	<u>8,703</u>	<u>2,907</u>	<u>--</u>	<u>--</u>	<u>11,610</u>
Subtotal	\$ 45,093	\$ 292,856	\$ 73,356	\$ 2,477	\$ 14,096	\$ 427,878
<u>1978 Grants</u>						
Community Resource ID and Management	--	43,499	21,176	67	--	64,742
Management Analysis Team III Performance Evaluation Unit II	--	44,391	16,136	--	--	60,527
Intensive Evaluation of Juvenile Diversion	--	--	4,361	(920)	--	3,441
Data Analysis Objectives Development	--	--	18,154	5,972	6,735	30,861
Intensive Evaluation/ Diversion Services	--	--	--	--	5,250	5,250
Intensive Evaluation of Juvenile Diversion	--	24,809	24,461	437	--	49,707
Probation Management Information System Unit	--	--	26,784	3,740	--	30,524
Offender Based Transaction Statistics	--	29,432	171,462	296,759	99,231	596,884
Juvenile Justice Intake Project	--	18,213	131,226	8,252	4,074	161,765
Intensive Evaluation of Juvenile Diversion	--	2,685	86,423	10,053	838	99,999
Probation Student Interns Juvenile Restitution	--	--	--	134,775	(1,115)	133,660
WIN-Public Service Employment	--	--	6,022	350	353	6,725
WIN-Public Service Employment	--	4,141	28,540	641,468	666,517	1,336,525
WIN-Public Service Employment	--	8,449	192	--	--	4,333
WIN-Public Service Employment	--	--	4,517	--	--	12,966

Table C-3 (cont.)

<u>1978 Grants</u>	<u>1976-77</u>	<u>1977-78</u>	<u>1978-79</u>	<u>1979-80</u>	<u>1980-81</u>	<u>Five Year Total</u>
WIN-Public Service Employment	--	2,096	3,752	--	--	5,848
WIN-Public Service Employment	--	1,801	4,450	--	--	6,251
State Highway Safety	--	--	22,018	4,508	--	26,526
Title IV Child						
Support-Paternity	--	27,912	20,133	--	--	48,045
CETA-Warren County	--	11,125	18,736	13,239	13	43,113
CETA-Warren County	--	15,597	(15,970)	--	--	(373)
CETA-Fulton County	--	--	41,515	15,676	28	57,219
CETA-Youth Employment Program	--	--	47,448	84,170	2,648	134,266
Subtotal	--	\$ 234,150	\$681,536	\$1,218,546	\$ 784,572	\$2,918,804
<u>1979 Grants</u>						
Data Analysis Objectives						
Development	--	--	--	80,707	28,695	109,402
Intensive Evaluation of Juvenile Diversion	--	--	--	--	22,957	22,957
Intensive Evaluation II Juvenile Justice	--	--	--	3,598	25,021	28,619
Intake Screening II	--	--	14,520	77,333	4,964	96,817
Juvenile Justice Unit	--	--	--	21,432	72,657	94,089
Probation Management by Objectives	--	--	--	20,646	--	20,646
Improved Correctional Field Services	--	--	11,718	88,538	179,707	279,963
Reserve Student Intern	--	--	--	4,853	1,111	5,964
WIN-Public Service Employment	--	--	5,315	--	--	5,315
WIN-Public Service Employment	--	--	2,314	--	--	2,314
WIN-Public Service Employment	--	--	2,182	--	71	2,253
WIN-Public Service Employment	--	--	385	--	--	385
WIN-Public Service Employment	--	--	1,655	2,720	--	4,375
CETA-Interagency Consultant Staff	--	--	--	16,106	--	16,106
CETA-Interagency Consultant	--	--	--	9,363	39,356	48,719
State Highway Safety	--	--	--	43,420	88,831	132,251
Subtotal	--	--	\$ 38,089	\$ 368,716	\$ 463,370	\$ 870,175
<u>1980 Grants</u>						
Data Analysis						
Objective Development	--	--	--	--	92,356	92,356
Juvenile Justice Unit	--	--	--	--	18,365	18,365
Juvenile Justice Unit	--	--	--	--	9,881	9,881
State Highway Safety	--	--	--	--	35,609	35,609
ISP Evaluation	--	--	--	--	18,475	18,475
CETA-Program Reading Employment Project	--	--	--	--	57,474	57,474
CETA-Fulton County	--	--	--	--	10,689	10,689
CETA-Probation Employment for Youth	--	--	--	--	85,219	85,219
CETA-Schenectady County	--	--	--	--	1,292	1,292
Subtotal	--	--	--	--	\$ 329,360	\$ 329,360
Grand Total	\$1,558,385	\$1,098,386	\$949,078	\$1,608,965	\$1,627,012	\$6,841,826

Source: DOP Finance Office, October 1, 1981, November 25, 1981.

APPENDIX D
AGENCY RESPONSE



STATE OF NEW YORK
DIVISION OF PROBATION
TOWER BUILDING
EMPIRE STATE PLAZA
ALBANY NEW YORK 12223

THOMAS J. CALLANAN
State Director

April 12, 1982

Mr. Sanford E. Russell
Director
NYS Legislative Commission
on Expenditure Review
111 Washington Avenue
Albany, New York 12210

COPY

Dear Mr. Russell:

The Legislative Commission on Expenditure Review (LCER) has issued a preliminary and confidential report that reviews the New York State Division of Probation's program performance.

The LCER utilized the Division's intake, investigation and supervision standards "as guidelines and criteria to measure the quality of local probation" for which it is responsible under State law.

It is the purpose of the Division to supervise the local probation services as administered by 57 counties and the City of New York and to assist them in providing efficient and effective services to their constituents.

The Division oversees a statewide probation system that is composed of a multi-varied conglomerate of local probation departments with differing degrees of managerial philosophy, fiscal support and community acceptance for probation.

The Division has been successful in administering its program and insuring the most effective and efficient delivery of probation services under the constant constraints of diminishing fiscal and staff resources, local priorities and the public's desire to incarcerate more offenders.

Overall, the Division is satisfied with the LCER's report, but questions some of its conclusions. The Division feels that these conclusions were the result of LCER's:

- (1) lack of complete and current information regarding utilization of probation as a sentence;

- (2) interpretation of the information it used to reach some of its conclusions.

The Commission is presently examining Felony Processing information which is more recent than that upon which LCER based its analysis in the draft report. Since LCER is planning to make changes based upon the new information, the Division is delaying its response to these sections of the report. We anticipate that ample time for review by the Division of Probation and the Division of the Budget will be provided by LCER in order to allow for inclusion of the Division's response in the final report.

INTENSIVE SUPERVISION PROGRAM (ISP)

According to all information received to date, the Division's ISP is working and is improving as the Division's technical assistance and training programs for ISP take effect. In fact, the longer the ISP operates, the better it becomes in terms of success ratio to non-ISP.

--EXCEPTION TAKEN TO:

....LCER's finding "that counties participating in the Intensive Supervision Program failed to provide service at levels required by ISP guidelines".

--THE FACTS:

....The LCER did not take into account that certain contact requirements are modified under certain conditions.

For example, home visits are redundant for probationers who are detained awaiting dispositions of violations of probation or new arrest charges. A principal purpose of the home visit is to verify residence. When the probationer is lodged in a controlled setting, such as in a jail, a hospital or a drug facility, home visits serve no useful purpose. Also, compliance with contact requirements must take into account the probationer's program entry anniversary date.

The Division has re-tabulated contact compliance based on conditions noted above and accounting for the full or partial inclusion of the probationer in the program during the period under review. The rates of contact compliance, thus obtained, show collateral and home visit rates somewhat higher than reported by LCER. The Division's compliance rate for collateral contacts is 74% as compared with LCER's 58%. The Division also calculated an average number of collateral contacts at 8.9 per case during the period of actual supervision.

For home visits, the Division's rate is 73% as compared with LCER's 67%. Only for personal contacts are the Division's and LCER's rates the same--73%. The three requirements were the only ones of the many studied by LCER that the Division re-examined. It is probable that were the same criteria for counting applied to all, the overall compliance average obtained would be substantially higher than LCER's 77%.

The Division has also re-examined the level of compliance with contact requirements for the four counties reported by LCER as having an overall compliance rate of less than 70%. Three of four of these counties were required to reduce ISP staffing during the LCER analysis period due to local program cuts. Thus, the Division analyzed a recent period--July 1, 1981, through September 30, 1981. The rates of programmatic compliance obtained by the Division for Rockland, Ulster and Dutchess Counties was 78% for personal contacts, 69% for home visits and 90% for collateral contacts.

--EXCEPTION TAKEN TO:

....LCER's data "show(s) ISP probationers (are) less successful than their non-ISP counterparts in Kings County".

--THE FACTS:

....Kings County was re-examined by the Division based on adjusted data from the LCER audit period. The rates of contact compliance calculated were 80% and 74% for personal and home visit requirements respectively.

--CONCLUSION:

....LCER indicates its expectation of full compliance for ISP. While this is the most desired objective, the reality is that it is not achievable. The nature of the population for which ISP is responsible--persons with extensive prior criminal histories, including prior unsuccessful probation experience whose failure to report rate is high--makes such a level of compliance more difficult. While ISP strives for ever-higher compliance with program requirements, the Division believes its achievements have been significant in terms of protection for the community and the rehabilitation of the offender. It should be noted that less than 1% of the warrants issued for program violators in the ISP remain unaccounted for no more than 90 days.

In another matter related to ISP, LCER addresses the Division's evaluation design for the program and questions the validity of findings because a random assignment of ISP eligible probationers to control and experimental groups could not occur. In addition,

it notes the absence of research undertaken to measure long and short range effects of levels of supervision and comparative outcomes as a function of other types of sentences. The Division agrees that random assignment would have been methodologically desirable. There were, however, program and legal constraints prohibiting such case assignment. Under the circumstances, in order to provide for a sound design, a technique was adopted which matched offenders in program and non-program probation caseloads by risk score, prior criminal history, current offense, place of residence, etc. This led to a useful evaluation design and findings with statewide applicability. The following areas of concern will be addressed:

--EXCEPTION TAKEN TO:

....LCER states that "although it has authority to do so, the Division's reluctance to withhold state aid to improve compliance. . . is a program shortcoming".

--THE FACTS:

....During his administration, the State Director of Probation, after his assessment of fiscal and personnel resources available in the counties and the City of New York, did not find any conditions existing on the local level that would impede the reasonable and satisfactory delivery of probation services, thus justifying his action to withhold state aid.

....The withholding of state aid from localities for alleged non-compliance with the Division's Rules and Regulations is an administrative value judgment reserved solely to the State Director as the professional-in-charge of probation services in New York State.

....Arbitrary withholding of state aid from the localities in order to foster compliance would not facilitate a cooperative relationship between local probation and the state; would be detrimental to local programs already experiencing difficulties in maintaining adequate staffing and fiscal integrity while facing increasing caseloads.

....The delivery of probation services is a complex, socio-economic system that deals with the problems of people and, thus, the use of only one measure--the withholding of state aid--would be ineffective and counter-productive to the Division's mission and accomplishment of its goals.

....The Division utilizes technical assistance and training to address non-compliance as noted favorably by LCER.

--CONCLUSION:

....Probation in New York State today is in trouble. Its forward momentum is slowed by skepticism about the ability to rehabilitate offenders or predict crime, by public demands for a crackdown on criminals, and now by diminishing resources in the public sector. Never before has probation been so vulnerable, especially in New York City. The New York City probation system has never been able to recover from the city's fiscal crisis in which they lost 37% of their staff, while the criminal court parts in Supreme Court grew from 30 in 1963 to 131 parts in 1981. The frustration of probation officers with high caseloads and the public's fear associated with a highly publicized growth in crime has led to increased reliance on institutionalization. Despite the varied shortcomings of our system, we are proud that there is more than ample evidence of probation's success with a large population of offenders. Should we be authorized by the Legislature and Executive branches of government to increase funding and expand the current range of services, the Division believes that probation could continue to have a major and positive impact on the criminal justice system.

Probation agencies in New York State during the year 1980 accounted for over 136,767 intake cases for family court, 123,845 investigations for both family and criminal courts, and supervised 96,136 adult offenders. On any one day in the State of New York, there are approximately 69,000 probationers under supervision. Of the 96,136 people on probation in 1980, only 4,172, or less than 5%, either had their probation revoked or were convicted of new crimes. A total of \$2.7 million was collected in restitution. It costs approximately \$90 million annually to provide probation services throughout our state, compared to the \$769 million now being requested by the Department of Correctional Services in their 1982-83 budget submission.

The Division asks why a probation system that handles three times the number of offenders than any other part of the state's correctional component, with a recidivism rate of less than 5%, a system that costs less than incarceration in both dollars and social harm, is continually afflicted with the problems of lack of funding in our state and lack of public confidence. It would be easy to blame a host of legal, scientific and social forces that have continued to influence and manipulate the philosophy of probation field services.

These forces now demand that probation be more effective, but interfere less in the lives of offenders; to rehabilitate, but abandon traditional treatment models; to take on ever-increasing caseloads with little or no increase in staff or other resources; and to adopt to a constantly changing public mandate, an essence of which is rarely and never satisfactorily defined.

April 12, 1982

While it is appropriate to measure probation's performance by compliance with established rules and regulations, recognition must be given to the dynamics of the rule-making process. Existing standards have developed from a professional consensus of what constitutes good practice and in conformity with existing law. However, statutory changes and the improvement of the information base has created a new framework for rule development. As LCER pursued its efforts in measuring compliance with existing rules, the Division was already involved in a lengthy process of rule revision, undertaken to assure that its regulations are relevant and timely. The Division is encouraging the localities to participate in its rules and regulations revisions and hopes that this participation will foster cooperation.

The Division recognizes that the existing reimbursement process falls far short in stimulating improved probation services. As LCER comments, the rate of reimbursement, which presently averages about 28% of actual monies expended for probation, is hardly likely to be an incentive for improvement. In addition, there are no assurances that any increase in the rate of state reimbursement revenue will be utilized to support and improve local probation services solely. Localities usually add them to the general revenue fund.

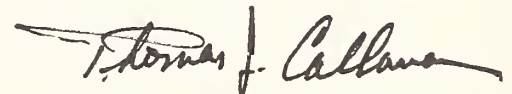
Were it not for state reimbursement, it is not likely that services would be maintained at present levels anywhere in the state, much less in New York City.

LCER is aware of the high caseloads that exist in the City of New York (100 to 250 per officer). The Division plans to address this situation through the development and utilization of an objective classification instrument. By closely monitoring the behavior of probationers and by using differential supervision, we will be better able to show the impact of probation on both the community and the offenders under its supervision. Probation officers in New York City are now undergoing special training and by June of 1982, all cases in New York City will be classified under a differential supervision classification.

The Division wishes to state that probation as a sanction, if properly funded, efficiently managed and community supported, offers a major alternative to incarceration of the criminal offender while providing an effective system of rehabilitation and protection of the community.

The Division welcomes this opportunity to respond to LCER's preliminary program audit and hopes that this discussion will add to a better understanding of the Division's programs and their relationships to the State's probation system.

Sincerely,



THOMAS J. CALLANAN
State Director



STATE OF NEW YORK
DIVISION OF PROBATION

TOWER BUILDING
GOVERNOR NELSON A. ROCKEFELLER EMPIRE STATE PLAZA
ALBANY, NEW YORK 12223

THOMAS J. CALLANAN
State Director

April 12, 1982

Mr. Sanford E. Russell
Director
NYS Legislative Commission
on Expenditure Review
111 Washington Avenue
Albany, New York 12210

COPY

Dear Mr. Russell:


The following is an addendum to the Division of Probation's response to the Preliminary LCER Report on the Division of Probation's Programs.

Much of the data on which LCER based its analysis was derived from the DCJS Felony Processing Statistics File. The Division of Probation has no objection to this, as it is the only automated file which contains all of the various dispositions. The population consists of felony indictments, and as indicated by the LCER report, the proportional use of Probation remained steady over the last five years when measured against all sentences for convictions of felony indictments.

The Division of Probation's statistics are based upon a different population, and reveal a somewhat different trend. The population we use consists of the number of persons for which the court has ordered a Presentence or Pre-Plea Investigation. Based upon our data, which counts convicted people rather than indictments, the proportional use of Probation has increased over the last four years. The attached chart depicts this trend.

It should be pointed out that neither our chart, nor the DCJS Felony Processing Charts, reduces the felony population to only "Probation Eligible" people. These statistics are not yet readily available, but would provide a more accurate picture of the extent to which the Probation alternative is utilized for felons.

Sincerely,


THOMAS J. CALLANAN
State Director

attachment

STATEWIDE
PROBATION SUPERVISION CASES RECEIVED

Trend Analysis

Year		PSI & PRE-PLEA INVESTIGATIONS COMPLETED	SUPERVISION CASES RECEIVED (1)	PERCENTAGE OF SUPERVISION CASES RECEIVED (2)
1977	FELONY	21,857	7,135	32.64
	MISDEMEANOR	36,624	18,121	49.48
	...TOTAL	58,481	25,256	43.19
1978	FELONY	21,713	7,678	35.36
	MISDEMEANOR	38,844	18,081	46.54
	...TOTAL	60,557	25,759	42.53
1979	FELONY	22,509	8,121	36.08
	MISDEMEANOR	41,405	19,510	47.12
	...TOTAL	63,914	27,631	43.23
1980	FELONY	23,761	8,831	37.18
	MISDEMEANOR	42,161	20,911	49.60
	...TOTAL	65,922	29,742	45.12

1. Calculated by:

(1) Determining the number of cases received, both from court and from other jurisdictions; and

(2) Deducting cases transferred out to other jurisdictions.

2. Percentage figures were calculated by dividing the Supervision Cases received by the total Pre-Plea and Presentence Investigations completed each year.

SOURCE: New York State Division of Probation Form DP-30A

PROGRAM AUDITS OF THE LEGISLATIVE COMMISSION ON EXPENDITURE REVIEW

Manpower Training in New York State, February 16, 1971.*

Narcotic Drug Control in New York State, April 7, 1971.*

Fish and Wildlife Research in New York State, June 24, 1971.

Marital Conciliation in New York State Supreme Court, August 16, 1971.

Construction of Dormitories and Other University Facilities, December 1, 1971.

Office Space for New York State, January 17, 1972.

State Supplied Housing for Employees, February 11, 1972.

Middle Income Subsidized Housing in New York State, February 29, 1972,

New York State Criminal Justice Information System, March 17, 1972.

New York State Division For Youth Programs, April 21, 1972.

Snow and Ice Control in New York State, May 31, 1972.

Urban Education Evaluation Reports for the Legislature, June 30, 1972.

The Role of the Design and Construction Group in the New York State, Construction Program, July 7, 1972.

Consumer Food Health Protection Services, August 17, 1972.

Milk Consumer Protection Programs, September 15, 1972.

State University Construction Fund Program, October 5, 1972.*

Surplus and Unused Land in New York State, January 15, 1973.

Evaluation of Two Year Public College Trends, 1966-1971, April 2, 1973.

Educational Television in New York State, July 6, 1973.

Construction of Mental Hygiene Facilities, October 3, 1973.

Community Mental Health Services, October 10, 1973.

The Acquisition and Construction of Drug Abuse Treatment Facilities, January 18, 1974.

State University Health Science Programs, January 24, 1974.

Day Care of Children, February 14, 1974.

State Aid to Libraries, March 4, 1974.

Health Insurance For Government Employees, May 30, 1974.

Civil Service Recruitment of State Professional Personnel, June 17, 1974.

Retail Services Within State Agencies, September 10, 1974.

Nuclear Development and Radiation Control, October 1, 1974.

College for the Disadvantaged, October 15, 1974.

Driver Licensing and Control Programs, October 20, 1974.

State Historic Preservation Programs, November 1, 1974.

Industrial Development in New York State, November 25, 1974.

Programs for the Aged, March 31, 1975.

New York State Fair, April 15, 1975.

New York State Parkways, April 21, 1975.

Tri-State Regional Planning Commission Programs, May 5, 1975.

Foster Care For Children, May 29, 1975.

Disadvantaged Students in Public Two-Year Colleges, July 25, 1975.

Human Rights Programs in New York State, August 18, 1975.

Patients Released From State Psychiatric Centers, August 29, 1975.*

Financial Aid to Crime Victims, October 31, 1975.

Persons Released From State Developmental Centers, December 18, 1975.

New York State Job Placement Programs, December 30, 1975.

Pre-Kindergarten Programs, December 31, 1975.*

DOT Real Estate Program, April 15, 1976.

Solid Waste Management in New York State, May 20, 1976.

Boards of Cooperative Educational Services Programs, June 28, 1976.

Boards of Cooperative Educational Services Finances, June 30, 1976.

Workmen's Compensation Program for State Employees, July 30, 1976.*

Public Pension Fund Regulation, October 29, 1976.

Computers in New York State Government, December 1, 1976.

Health Planning in New York State, January 3, 1977.*

The Optional Service Charge Law, March 11, 1977.

Immunization of Children, May 27, 1977.

State Parks and Recreation Program, October 11, 1977.

State Travel Costs, December 15, 1977.

Venereal Disease Control, December 16, 1977.

State Environmental Permits, December 19, 1977.

Pupil Transportation Programs, January 30, 1978.*

Housing Maintenance Code Enforcement in New York City, March 31, 1978.

Vacation Credit Exchange, June 16, 1978.

Adirondack Park Planning and Regulation, July 31, 1978.

School Food Programs, August 7, 1978.

SUNY Developing and Nontraditional Colleges, September 26, 1978.

Newborn Metabolic Screening Program, October 31, 1978.

Fiscal Effect of State School Mandates, December 20, 1978.

School District Budget Voting and Contingency Budgeting, December 26, 1978.

State Aid for Operating Sewage Treatment Plants, April 16, 1979.

Crime Victims Compensation Program, April 23, 1979.

Drinking Driver Program, May 15, 1979.

Unemployment Insurance for State Employees, July 20, 1979.

Work Programs for Welfare Recipients, August 3, 1979.

CETA Programs in New York State, August 24, 1979.

Parole Resource Centers Program, August 31, 1979.

Local Government Use of State Contracts, October 15, 1979.

Use of State Adult Psychiatric Centers, February 29, 1980.

National Guard Strength and Armories, March 17, 1980.

School District Committees on the Handicapped, April 15, 1980.

Delinquency Prevention and Youth Development Programs, May 2, 1980.

Energy Use in State Facilities, June 11, 1980.

Occupational Education in Secondary Schools, July 8, 1980.

Use of State Developmental Centers, November 6, 1980.

Energy Research and Development Programs, December 24, 1980.

State Subsidized Low Rent Public Housing, December 31, 1980.

Taxpayer Services Program, March 9, 1981.

Title XX Social Services, March 13, 1981.

State Prison Inmate Health Services, June 19, 1981.

Runaway and Homeless Youth, July 15, 1981.

State Mandates to Counties, August 14, 1981.

Control of the State Telephone System, August 21, 1981.

Hospital and Nursing Homes Management Fund, October 5, 1981.

Methadone Program, December 21, 1981.

Regulation of Automotive Repair Shops, December 24, 1981.

School District Cash Management, December 29, 1981.

Pupils With Special Educational Needs, April 30, 1982.

State Division of Probation Programs, June 10, 1982.

*Out of print; loan copies available upon request.

LEGISLATIVE COMMISSION ON EXPENDITURE REVIEW

Professional Staff

John Coleman
Joan Deanehan
Patrice Eremin
Robert Fleischer
Elaine Fromer
Bernard Geizer
Stuart Graham
James Haag
Ronnie Hausheer
Gerald Keyes
Joel Margolis
Michael McCarry
Karen McNamara
David Rowell
Ronald Saffin
Richard Spaulding
Charles Stahle
Geraldine Stout
Stacy VanDevere
Irving Wendrovsky

Administrative Staff

Ann Careccia
Regina Golden
Ila Hallowell
Evelyn McLauchlin
Nancy Neubauer
Susan Peart

